

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas.

Monday, Aug. 21, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll called, quorum being present, the following Senators answering to their names:

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
McNealus.	Weinert.

Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

Perkins.	Willacy.
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Prayer by the Chaplain.

Pending the reading of the Journal of Friday, on motion of Senator Mayfield, the same was dispensed with.

See Appendix for standing committee reports.

BILLS AND RESOLUTIONS.

By Senator Terrell of McLennan:

Senate bill No. 31, A bill to be entitled "An Act creating a State Highway Department, and establishing a State Highway Commission, and the office of State Highway Commissioner, and the office of State Highway Engineer; prescribing the duties of each, and fixing the compensation of said State Highway Engineer; creating a fund by the license of automobiles; fixing a penalty for the failure to pay such license, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Ward, Terrell of McLennan, Astin, Watson, Adams, Real,

Weinert, Hume, Murray, Peeler and Sturgeon:

Senate bill No. 32, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts; to provide for two additional Districts to the number now provided for, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Congressional Districts.

By Senator Johnson:

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower Wichita county or any political subdivision of said county, by a vote of a two-thirds majority of the resident property taxpayers, qualified thereof, voting therefor, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senator Hudspeth (for Senator Willacy):

Senate bill No. 34, A bill to be entitled "An Act to create the Pre-mont Independent School District, known as Common School District No. 29 in Jim Wells county, Texas; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth (for Senator Willacy):

Senate bill No. 35, A bill to be entitled "An Act creating the Bishop Independent School District in Nueces county, Texas, defining its metes and bounds, providing for a

board of trustees therefor, for raising revenue, issuing bonds, vesting it with the rights, powers and duties of districts incorporated for school purposes only under the general laws of the State of Texas, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth (for Senator Willacy):

Senate bill No. 36, A bill to be entitled "An Act to create the Agua Dulce Independent School District, known as Common School District No. 25 in Nueces and Jim Wells counties, Texas; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore levied, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Hudspeth (for Senator Willacy):

Senate bill No. 37, A bill to be entitled "An Act to create the Riviera Independent School District, known as Common School District No. 20 in Nueces county, Texas; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining school houses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Sturgeon:

Senate bill No. 38, A bill to be entitled "An Act to provide for the correction of errors in the codified laws, civil and criminal, and for the printing of said laws, upon certain conditions, and declaring an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Terrell of Wise:

Senate bill No. 39, A bill to be entitled "An Act to create a Commission of Arbitration and Award, and define the powers and duties thereof, and to make an appropriation to pay

the salaries of the judges thereof, and declaring an emergency."

Read first time, and referred to Committee on Judiciary No. 1.

By Senator Carter:

Senate bill No. 40, A bill to be entitled "An Act to amend the charter of the city of Longview entitled 'An Act to incorporate the city of Longview and to grant it a new charter, to define its powers and to prescribe its duties,' etc., and to declare an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator McNealus:

Senate bill No. 41, A bill to be entitled "An Act to amend Article 5, Section 1, of the charter of the city of Dallas, and providing for the purchase by the Board of Education of said city of books, text books and supplies, used in said city schools in all grades up to and including the seventh grade, and for the furnishing of such books so purchased for the free use of the pupils in such grades."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Kauffman:

Senate bill No. 42, A bill to be entitled "An Act making it a misdemeanor to draw any check, draft or order upon any bank, person, firm or corporation when the maker thereof has not sufficient funds on deposit at the time said check, draft or order is drawn with which to redeem the same, providing a penalty, and declaring an emergency."

Read first time, and referred to Committee on Judiciary No. 2.

By Senator Kauffman:

Senate bill No. 43, A bill to be entitled "An Act to amend Section 71f of the Charter of the City of Galveston, authorizing the Board of Commissioners of the city of Galveston to issue the bonds of said city of Galveston to the amount of one hundred and twenty-five thousand dollars, payable not more than fifty years after date, and bearing interest payable semi-annually at a rate of not to exceed five per cent per annum; said bonds not to be sold or otherwise disposed of at less than par, and their proceeds to be used and expended ex-

clusively for raising and filling to grade the avenues, streets, sidewalks, alleys, lots and block in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Broadway and Avenue H, so as to provide for the application of any balance remaining from the proceeds of the sale of said bonds heretofore or hereafter made after the performance of said work, and to require the expenditure of such balance in filling and raising to grade the avenues, streets, sidewalks, alleys, lots and blocks in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Avenue H and Post Office street."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Hudspeth:

Senate bill No. 44, A bill to be entitled "An Act to amend an Act of the Thirty-first Legislature passed at its Regular Session, being Chapter VII of its Acts, and entitled 'An Act to amend Article 548, Chapter 9, Title 18, of the Revised Statutes of the State of Texas, providing for the condemnation by incorporated cities and towns of private property for the purpose of widening streets, avenues, or alleys, or for the construction of water mains, supply reservoirs or a stand-pipe for water works or sewers, etc., and providing for the condemnation by such cities or towns of private property in, on and through which to lay, construct and maintain sewer pipe mains and laterals and connections, and upon which to maintain vats, filtration pipes and other pipes, and which to use and occupy as a place for the ultimate disposition of sewerage in or out of the town or city limits, whenever it be made to appear that the use of such private property is necessary for the successful operation of such sewer system, and whenever it be made to appear that such sewer system is beneficial to the public use, health or convenience, to repeal all laws in conflict herewith, and declaring an emergency'; and providing for condemnation by such cities and towns of private property for the purpose of constructing, operation and maintenance of water works and the taking of water for public use; and providing the proceedings for such condemnation and authorizing any public service company or corporation organ-

ized or chartered under the laws of the State of Texas for the purpose of constructing water works and furnishing water to any town or city, or the inhabitants thereof to condemn and appropriate to its use any private land reasonably necessary for its use for such purposes, by paying just compensation therefor, and prescribing the proceedings for such condemnation, to repeal all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Hudspeth (for Senator Willacy):

Senate bill No. 45, A bill to be entitled "An Act to create the Robstown Independent School District, known as Common School District No. 30 in Nueces county, Texas, etc.; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bryan:

Senate bill No. 46, A bill to be entitled "An Act to validate the incorporation of the city of Big Springs, Howard county, Texas, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

SIMPLE RESOLUTION.

By Senator Townsend:

Be it resolved by the Senate, That a copy of the opinion of Judge Robt. G. Street, sustaining the authority of the Senate Investigation Committee, created by this Senate, rendered at Galveston, Texas, on Saturday last, in certain habeas corpus hearing, wherein Hon. B. Adoue and Hon. Walter Gresham were parties thereto, be printed in the Senate Journal for the information of this body.

The resolution was read and adopted, and following is the opinion of Judge Street, as taken from the Houston Post:

The question directly presented by these applications is, whether the Senate committee of the First Called Session of the Thirty-second Legislature, now in session, appointed to investigate the prohibition amendment election of July 22, 1911, has the power to compel the attendance

of witnesses before it. That the committee has this power, if it has been legally appointed, is not doubted. The basic question is, therefore, has it been so created?

It is contended that it has not been legally constituted because, it is said, first, that the resolution creating the committee is not appropriate to any subject on which the Legislature can act. The Constitution provides that when the Legislature is convened in called session, the Governor shall state in his proclamation specifically the purposes for which it is convened, and there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session or presented to them by the Governor. (Constitution, Article 4, Section 4; Article 3, Section 49.)

Granting for the sake of argument the power of each house to appoint committees of investigation, it is said that at a called session the creation of such committees must be for obtaining information on subjects designated by the Governor's proclamation, or presented by his messages. Whatever force there may have been in this objection to the simple resolution creating the committee, adopted by the Senate August 3, 1911, is obviated by the supplemental resolution of August 11, 1911, expressly declaring that, among other subjects calling for investigation, are the following, that

"The Governor of Texas in a message addressed to this, the First Called Session of the Legislature, states that it is alleged that irregularities and fraud were committed in the recent election on the proposed amendments," etc., and that

"The Governor has issued his proclamation which was made a part of said message wherein he states that it has been publicly alleged and charged that various and sundry persons * * * have violated the law regulating the payment and issuing of poll tax receipts," and that

"The Governor has requested an appropriation of \$27,500 * * * for the purpose of investigating violations of the poll tax and election laws and the enforcement of the same," and that

"It is necessary in order to redistrict the State into senatorial districts to ascertain the number of qualified voters," etc.

The judicial department of the government will not entertain the suggestion that the Legislature or either House, acting within its powers, is not acting in good faith in making such declaration. No evidence will be heard on applications of this character to impugn the motives of either. The Legislature and each House, acting within its sphere, is subject neither to the control nor the criticism of the courts.

2. It is contended that the resolution raising the committee, not having been passed by both houses and submitted to the Governor, is a nullity. The provision of the Constitution on which this objection rests is that requiring all orders, resolutions or votes, to which the concurrence of both Houses of the Legislature may be necessary, to be so submitted (Constitution, Article 4, Section 15). Is the resolution raising the committee one to which the concurrence of both Houses is necessary? Or, may each House of the Legislature, independently create its own committees of investigation on subjects appropriate for legislation?

It is believed that each House has this inherent right, as the basis for the enactment of law. The decisions are neither numerous nor altogether harmonious, but it is believed that this view is the one best sustained by the weight of authority and of reason. Moreover, the Act of February 18, 1907, adopted by both Houses and approved by the Governor, provides, after enumerating certain proposed subjects of investigation, that in "any investigation of any other matter or for any other purpose that may be ordered by the Legislature of this State, or either House of such Legislature, before any committees heretofore appointed by the Legislature of this State, or by either House of said Legislature and now pending, or before any committee that may hereafter be appointed by the Legislature of this State, or either House thereof, at this or any subsequent session, such investigating committee * * * shall have full power and authority * * * to issue any and all process that may be necessary to compel the attendance of witnesses, etc."

This is a legislative construction, concurred in by the executive in due form, of the power of either House

to create investigating committees, with a view of obtaining information on subjects of legislation generally. It is entitled to respectful consideration by the courts of our own State.

Nor is the exercise of the power believed to be restricted to an investigation of subjects to which, at a called session, the Governor may confine the powers of legislation. The right of the Legislature, and of either House, is as wide as the scope of legislative power of the State; that is to say, it embraces all subjects not prohibited by the Constitution of the State or delegated to the Federal government by the Constitution of the United States.

The rule "*Expressio unis exclusio alterius est*" has many sins to answer for, but probably none more flagrant than the application that is sought to be made of it in this case, to the effect that the enumeration in the Constitution of certain acts that each House may do independently deprives the respective Houses of the right to exercise other inherent functions.

The rule has but little application to State Constitutions and if applied as here suggested, would lead to the utterly inadmissible conclusion that an enumeration of legislative power not followed by "*thou shalt not*" should have the same effect as though so expressed.

The relators are remanded.

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Texas, Aug. 19, 1911.
To the Texas Legislature:

As provided in Section 40, Article 3, of the State Constitution, I present to you the following additional subjects for legislation:

1. Special road law for Navarro county.
2. Special road law for Houston county.
3. An amendment to the charter of the city of Longview in Gregg county.
4. Special charter for the city of McKinney, in Collin county.
5. An amendment to the city charter of the city of Galveston, in Galveston county, authorizing the raising and filling to grade alleys and streets between Thirty-third and Forty-fifth streets and Avenues H and Postoffice.

6. An amendment to Chapter 7, Acts of the Thirty-first Legislature, relating to the powers of cities and towns, so as to authorize them to condemn and impound water in public streams for public use.

7. Special road law for Knox county.

8. Independent school district for Rylie, in Dallas county.

9. New city charter for the city of Mineral Wells, in Palo Pinto county.

10. Providing for change in the venue of all cases now pending in the district and other courts of the State, arising in territory now comprising the new Counties of Brooks, Willacy and Jim Wells, from the counties where such cases are now pending to courts of like jurisdiction in said counties of Brooks, Willacy and Jim Wells.

11. An amendment to the city charter of the city of Sherman, in Grayson county.

12. Special road law for Wood county.

13. Independent school district for Premont, Riviera, Bishop, all in Nueces county, and for Agua Dulce, partly situated in Nueces and partly in Jim Wells county.

14. Special road law for Liberty county.

15. An amendment to Chapter 120, Section 8, Acts of the Regular Session of the Thirty-second Legislature, so as to add Culberson county to the list of counties composing the Eighth Supreme Judicial District.

16. Prescribing the time for holding district court in the counties of the Sixty-fourth Judicial District.

17. Independent school district for Murphy, in Collin county.

18. An amendment to Chapter 79, Special Laws of the Regular Session of the Thirty-second Legislature, creating the Jourdanton independent school district.

19. An amendment to the special road law of Shelby county.

Respectfully submitted,

O. B. COLQUITT,

Governor.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

House bill No. 17, A bill to be entitled "An Act to create a State Normal Board of Regents for the State normal schools of Texas to provide for white teachers in the State of Texas; to provide for the appointment of said board; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 31, A bill to be entitled "An Act to amend an act entitled 'An Act to grant a new charter to the City of Dallas, Dallas county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency, approved April 13, 1907, by amending thereof Subdivision 5 of Section 2 of Article 2, and Section 2 of Article 2, by adding to said Section 2, Subdivision 10, and amending Subdivision 4 of Article 6, and Subdivision "q" of Section 1, of Article 10, of said Act, relating to the issuance and ratification of bonds of the city of Dallas, and declaring an emergency."

House bill No. 33, A bill to be entitled "An Act to amend Chapter 42 of an act of the Twenty-ninth Legislature entitled 'An Act to prohibit the granting or use for railway or other purposes of any part of the tract of land in the city and county of Galveston by the commissioners court thereof for seawall purposes, by adding thereto Section 1a, authorizing and empowering Galveston county or the commissioners court of said county to convey or lease to the Board of Regents of the University of Texas on behalf of the State of Texas, for hospital purposes in connection with the John Sealy Hospital, all or any part of the tract of land acquired under said Act which lies to the north and north-westward of Avenue B in said city, and declaring an emergency."

House bill No. 37, A bill to be entitled "An Act to amend Chapter 74, of the Acts of the Regular Session of the Thirty-second Legislature, entitled 'An Act to amend Chapter 35 of the Acts of the Regular Session of the Thirty-first Legislature, which chapter is entitled "An Act to fix the time of holding courts in the Forty-sixth Judicial District," so amending said chapter as to declare what counties shall compose the Forty-sixth Judicial District, to fix the time

of holding court in the various counties in said district, to make the process issued or secured before this Act takes effect, including recognizances and bonds returnable to the terms of court as herein fixed, to repeal all laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson), had referred, after their captions had been read, the following House bills:

House bill No. 37, referred to Committee on Judicial Districts.

House bill No. 33, referred to Committee on Towns and City Corporations.

House bill No. 31, referred to Committee on Towns and City Corporations.

House bill No. 17, referred to Committee on Educational Affairs.

SIMPLE RESOLUTIONS.

By Senator McNealus:

Resolved, That the Hon. A. W. Terrell, a former member of the Texas Senate, and the Hon. W. M. Walton, a former Attorney General of Texas, and Hon. W. M. Imboden, be accorded the privileges of the Senate Chamber for twenty-four hours.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, The Free Conference Committee selected by the Senate on the appropriation bill, after much labor and painstaking effort, have completed their work, therefore be it

Resolved, That it is the sense of this Senate that said committee be especially commended upon the faithful service that it, and each member thereof, has rendered the State; and especially do we commend said committee upon agreeing with the House members that the \$160,000.00 for the pay of the unfortunate convicts who show themselves to be worthy of said reward, be allowed, showing the same noble impulse permeating the heart of the chairman of said committee as was exhibited during

his arduous duties when investigating the penitentiary system of this State; and we further commend the able gentlemen composing the House committee for their fairness and conciliatory disposition to work in conjunction with the Senate committee for the best interests of our great State.

The above resolution was read second time, and was adopted.

Morning call concluded.

SENATE BILL NO. 25.

The Chair laid before the Senate as unfinished business Senate bill No. 11, and

On motion of Senator Watson, the unfinished business (Senate bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 25, by the following vote:

Yeas—22.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin.	Kauffman.
Cofer.	Ratliff.

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.
Terrell, McLennan.	

The Chair laid before the Senate on second reading

Senate bill No. 25, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of district court therein; to make all process heretofore issued, as well as all bonds and recognizances heretofore entered into, conform thereto; and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Watson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Ward.
Johnson.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Astin.	Murray.
Cofer.	Ratliff.
Kauffman.	

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.
Terrell, McLennan.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell of Wise.
Hudspeth.	Townsend.
Hume.	Ward.
Johnson.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Astin.	Murray.
Cofer.	Ratliff.
Kauffman.	

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.
Terrell, McLennan.	

SIMPLE RESOLUTION.

(By Unanimous Consent.)

By Senator Johnson:

Resolved, That the Senate set apart tonight at 8:30 o'clock for the purpose of considering local bills only.

The resolution was read and adopted.

HOUSE BILL NO. 24.

On motion of Senator Weinert, the unfinished business (Senate bill No. 11) was suspended, and the Senate took up, out of its order, House bill No. 24, by the following vote:

Yeas—23.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Astin.	Ratliff.
Cofer.	Ward.

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading

House bill No. 24, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal year ending August 31, 1911, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Lattimore.	Warren.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.

The bill was read third time, and passed by the following vote:

Yeas—23.

Adams.	Hudspeth.
Carter.	Hume.
Collins.	Johnson.
Greer.	Kauffman.

Lattimore.	Terrell, McLennan.
Mayfield.	Terrell, Wise.
Meachum.	Townsend.
Murray.	Ward.
Paulus.	Warren.
Peeler.	Watson.
Real.	Weinert.
Sturgeon.	

Absent.

Astin.	Cofer.
Bryan.	Ratliff.

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.

Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Texas, Aug. 21, 1911.
To the Senate:

In compliance with your request contained in Senate Concurrent Resolution No. 3, Senate bill No. 2 is herewith returned for further consideration.

Yours truly,
O. B. COLQUITT,
Governor.

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Texas, Aug. 21, 1911.
To the Senate:

The advice and consent of the Senate is asked to the following appointments:

Hon. Jos. Faust of Comal county, to be member of Board of Regents of the State University.

Joseph Seinsheimer of Galveston county, to be member of Board of Pilot Commissioners for Galveston.

Respectfully submitted,
O. B. COLQUITT,
Governor.

SENATE BILL NO. 2.

Senator Weinert here called up Senate bill No. 2, the contingent expense bill, which had been finally passed, and recalled from the Governor for further consideration, and just received from the Executive, and moved that the Senate rescind the

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vote by which the Senate concurred in the House amendments to the bill. The motion to rescind prevailed.

The bill was then laid on the table subject to call.

SENATE BILL NO. 12.

On motion of Senator Hudspeth, the unfinished business (Senate bill No. 11) was suspended, and the Senate took up, out of its order, Senate bill No. 12, by the following vote:

Yeas—24.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Real.
Hudspeth.	Sturgeon.
Hume.	Terrell, McLennan.
Johnson.	Terrell, Wise
Kauffman.	Townsend.
Lattimore.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

McNealus.	Vaughan.
Perkins.	Willacy.

The Chair laid before the Senate on second reading

Senate bill No. 12, A bill to be entitled "An Act to regulate proceedings upon applications for writs of error from Courts of Civil Appeals to the Supreme Court."

(Senator Watson in the chair.)

The bill was read, and

Senator Lattimore offered the following amendment:

Amend the bill by striking out lines 3 and 4 on page 2, and inserting in lieu thereof the following:

"Section 4. The fact that the law now permits writs of error to be granted upon ex parte hearing of applications therefor and that the change in the law herein provided for, would expedite the labors of the Supreme Court and tend to prevent the granting of such writs upon a misunderstanding of the record, and the near approach of the close of the present session, creates an emergency

and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Bill read second time, and ordered engrossed.

On motion of Senator Vaughan the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan
Hume.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

McNealus.	Warren.
Perkins.	Willacy.

The bill was read third time and passed by the following vote:

Yeas—23.

Adams.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Vaughan.
Lattimore.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Nays—1.

Hume.

Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

McNealus.	Warren.
Perkins.	Willacy.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILL ORDERED PRINTED IN JOURNAL.

Senator Bryan moved that Senate bill No. 28 be printed in the Journal of today.

The motion prevailed. See Appendix for the bill in full.

SENATE BILL NO. 11.

Action here recurred on Senate bill No. 11, the text book bill, which was unfinished business from Friday:

Senator Lattimore (for Senator Warren) offered the following amendment, which was read and adopted:

Amend the bill by striking out the word "ten" in line 11, page 11, and inserting in lieu thereof the word "six."

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend page 7, line 22, by inserting after the word "states," the following: "And in case that any contractor who has a contract to furnish a book or books for the State under the provisions of this Act shall at any time during the period of this adoption contract with any other State, county or school district in the United States to furnish the same book or books at a lower price than that fixed in accordance with the provisions of this Act, such lower price shall immediately be given to the State of Texas, and it shall be the duty of the Attorney General to bring suit on the bond of such contractor upon refusal to reduce such price."

Senator Terrell of Wise offered the following amendment:

Amend the bill, page 4, line 24, by striking out all of lines 24, 25, 26, and 27, up to the word "no" in said line 27, and inserting the following:

"Sec. 5. The Text Book Board shall also select and adopt one basal reader and one supplementary reader for the primary and intermediate grades, and each bidder presenting such reading books shall state at

what price the readers are offered as supplementary readers. The Text Book Board shall also adopt three additional supplementary readers for each of the primary and intermediate grades, such additional readers, or any one of such additional readers, to be used in schools that require more readers than one prescribed by the regular basal and supplemental readers. And the Text Book Board shall adopt not more than three additional text books on each subject included in the adopted text books under the provisions of this Act, which additional text books shall be used when supplementary books are necessary in other subjects, than those included in the primary and intermediate grades.

TERRELL of Wise,
MAYFIELD.

Senator Lattimore offered the following substitute for the amendment:

Amend printed bill, pages 4 and 5, by striking out Section 5, and further amend printed bill by renumbering subsequent paragraphs so as they should be with this paragraph stricken out.

On motion of Senator Terrell of Wise, the substitute for the amendment was tabled.

The amendment by Senator Terrell of Wise was then adopted.

RECESS.

On motion of Senator Weinert, the Senate, at 12:15 o'clock p. m., recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 11.

Action recurred on the pending business, Senate bill No. 11.

Senator Lattimore offered the following amendment:

Amend printed bill as amended, page 2, line 5, by striking out the word "ten" and inserting in lieu thereof the word "six," and by striking out said word "ten" wherever same occurs in said bill in reference

to fixing the time said contract shall last, and inserting the word "six."

Action recurred on the amendment, and the vote showed no quorum voting, as follows:

Yeas—14.

Bryan.	Peeler.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Lattimore.	Terrell, Wise.
Mayfield.	Townsend.
Murray.	Ward.
Paulus.	Watson.

Nays—1.

Kauffman.

Absent.

Adams.	Johnson.
Astin.	Meachum.
Cofer.	Ratliff.
Hudspeth.	Real.
Hume.	Weinert.

Absent—Excused.

Carter.	Vaughan.
McNealus.	Warren.
Perkins.	Willacy.

On motion of Senator Lattimore, the Senate was at ease for ten minutes, and was again called to order by Lieutenant Governor Davidson.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Aug. 21, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

A resolution requesting the Senate to return Senate bill No. 2 for further consideration.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE SIMPLE RESOLUTION.

The Chair laid before the Senate the following resolution:

Whereas, Senate bill No. 2 has by concurrent resolution been recalled from the Governor for the purpose of correction, and the Senate has rescinded its vote whereby it concurred in House amendment to said bill; therefore, be it

Resolved by the House, That Senate bill No. 2 be recalled from the Senate for correction.

The resolution was read, and the vote developed no quorum present, as follows:

Yeas—17.

Adams.	Paulus.
Collins.	Peeler.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Kauffman.	Ward.
Lattimore.	Watson.
Mayfield.	Weinert.
Murray.	

Absent.

Astin.	Meachum.
Bryan.	Real.
Cofer.	Ratliff.
Hume.	

Absent—Excused.

Carter.	Vaughan.
McNealus.	Warren.
Perkins.	Willacy.
Terrell, McLennan.	

There being no quorum present, Senator Watson moved a call of the Senate for the purpose of securing and maintaining a quorum.

The call being seconded, was so ordered. The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Bryan.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Absent.

Astin.	Hume.
Cofer.	Ratliff.
Hudspeth.	

Absent—Excused.

Carter.	Vaughan.
McNealus.	Willacy.
Perkins.	

Action recurred on the simple resolution from the House requesting the return of Senate bill No. 2, and the same was adopted.

SENATE BILL NO. 11.

Action recurred on the pending business, Senate bill No. 11, the question being on the amendment by Senator Lattimore, and the same was adopted by the following vote:

Yeas—21.

Adams.	Peeler.
Bryan.	Real.
Collins.	Sturgeon.
Greer.	Terrell, McLennan.
Hudspeth.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Ward.
Mayfield.	Warren.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	

Nays—1.

Johnson.

Absent.

Astin.	Hume.
Cofer.	Ratliff.

Absent—Excused.

Carter.	Vaughan.
McNealus.	Willacy.
Perkins.	

Senator Lattimore (for Senator Warren) offered the following amendment:

Amend the bill by inserting on page 3, line 32, after the word "Texas," the following: "in all grades below the high school."

Senator Ward moved to table the amendment which motion to table prevailed.

Senator Lattimore (for Senator Warren) offered the following amendment:

Amend the bill by adding the following to Section 21: "Provided, further, nothing in this Act shall be construed to prevent towns and cities in this State of five thousand inhabitants or over, from having the option of using the State adopted books herein provided for or not, as their trustees, respectively, may, from time to time, determine."

On motion of Senator Sturgeon, the above amendment was tabled.

Senator Lattimore offered the following amendment:

Amend the printed bill as amended, page 5, line 30, by inserting after the word "same" the following: "All publishers of books shall have the right to fairly present the merits of their own books or the demerits of others, by circular letter sent to each member of said Board. Said Board from and after the time it is convened, shall hold open sessions daily at such hours as it may provide, which sessions shall be attended by each member of said Board—and at which session representatives of the various publications offered for adoption shall be given, as nearly as possible, equal opportunity to appear before said Board and present the merits of his publication or the demerits of others, and except as herein provided, it shall be unlawful for any such representatives to attempt, in any way, to influence the selection of such book or books. Any violation of the provisions of this section shall be deemed fraud within the terms of the subsequent provisions hereof."

The amendment was read and adopted by the following vote:

Yeas—19.

Adams.	Paulus.
Bryan.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Johnson.	Terrell, Wise.
Lattimore.	Townsend.
Mayfield.	Ward.
Meachum.	Weinert.
Murray.	

Nays—2.

Kauffman.	Watson.
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Absent.

Astin.	Hume.
Cofer.	Ratliff.

Absent—Excused.

Carter.	Vaughan.
McNealus.	Warren.
Perkins.	Willacy.

Senator Lattimore offered the following amendment:

Amend the printed bill as amended by striking out all that part of said bill on pages 1 and 2, which places the principals of the various State Normals Schools of this State on the nominating board to name thirty persons from whom the Text Book Board shall be selected.

The above amendment was read, and Senator Watson made the point of order that this part of the bill had been acted on, amended, etc., and could not be again amended.

The Chair overruled the point of order.

The amendment was lost.

Senator Lattimore offered the following amendment:

Amend printed bill as amended, page 4, line 23, by adding after the word "Provided" the following: "Provided further, that in all cities of the State of Texas, operating under special charters, the school board of such cities may, by majority vote of all the regular members thereof, adopt for use in the schools of such cities, such geometries, physics and general histories for high school use only, as they may deem proper."

Senator Sturgeon moved to table the amendment, which motion prevailed by the following vote:

Yeas—14.

Adams.	Paulus.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Johnson.	Townsend.
Mayfield.	Ward.
Meachum.	Weinert.

Nays—5.

Bryan.	Lattimore.
Hume.	Murray.
Kauffman.	

Present—Not Voting.

Peeler.	Watson.
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Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

Carter.	Vaughan.
McNealus.	Warren.
Perkins.	Willacy.
Terrell, McLennan.	

Senator Terrell of Wise offered the following amendment, which was read and adopted:

Amend the bill, page 12, line 6, after the word "teacher," by adding the following: "in any public school."

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill, Section 2, page 3, line 2, by adding after the word "affidavit" the words "giving the names of all people employed to aid in any way whatsoever in securing the contract, and"

WATSON,
WARD.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill, Section 2, page 3, line 7, by adding after the word "is" the words "or has been."

WATSON,
WARD.

Senator Ward offered the following amendment, which was read and adopted:

Amend the bill, Section 2, page 3, line 11, by adding after the word "books" the words "published by any house bidding for this contract, or,"

WATSON,
WARD.

Senator Ward offered the following amendment:

Amend Section 19 by inserting in line 19 of said section on page 10, these words, viz.:

"And provided further, that any retail dealer anywhere in the State handling such adopted books by arrangement or agreement with a contractor, or contractors, shall be allowed by such contractor, or contractors, a discount of as much as 12½ per cent as compensation for the handling and distribution of such books."

WARD,
COFER,
REAL.

Senator Mayfield offered the following amendment to the amendment:

Amend the amendment by striking out 12 1-2% and inserting in lieu thereof 16 2-3%.

MAYFIELD,
LATTIMORE,
PEELER.

Senator Collins moved to table the amendment and the amendment to the amendment, which motion to table prevailed.

Senator Meachum offered the following amendment:

Amend the bill on page 7, by adding Section 12a to read as follows:

No contract for the adoption and use of any books for the schools of this State shall be made or entered into with any person, firm, corporation, association of persons, or publishing company not permanently domiciled and having its principal office, depository and headquarters within this State, and having such books published and printed within this State.

MEACHUM,
KAUFFMAN,
HUDSPETH.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Simple resolution rescinding its action on the final passage on the adoption of the amendment on the engrossing and ordered not printed of Senate bill No. 2.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

SIMPLE RESOLUTION.

By Senator Weinert:

Whereas, Senate bill No. 2 has been by concurrent resolution recalled from the Governor for purpose of correction, and

Whereas, The Senate had rescinded its vote whereby it concurred in House amendment to said bill, and

Whereas, The House by simple resolution has recalled said bill from the Senate for correction,

Whereas, The House has rescinded its action in finally passing, in engrossing, in amending and in ordering not printed said bill, and said bill is now on the House Calendar; therefore, be it

Resolved by the Senate, That Senate bill No. 2 be recalled from the House for further correction.

The above resolution was read and adopted.

SENATE BILL NO. 11.

Action recurred on Senate bill No. 11, the question being on the pending amendment by Senator Meachum, et al.

The amendment was lost by the following vote:

Yeas—7.

Hudspeth.	Terrell, McLennan.
Kauffman.	Fownsend.
Mayfield.	Watson.
Meachum.	

Nays—14.

Adams.	Paulus.
Bryan.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Johnson.	Terrell, Wise.
Lattimore.	Ward.
Murray.	Weinert.

Absent.

Astin.	Hume.
Cofer.	Ratliff.

Absent—Excused.

Carter.	Vaughan.
McNealus.	Warren.
Perkins.	Willacy.

Senator Hudspeth offered the following amendment which was read and adopted:

Amend line 20, page 7, by inserting after the word "furnish" the following: "or have offered to furnish."

KAUFFMAN,
HUDSPETH.

Senator Hudspeth offered the following amendment, which was read and adopted.

Amend the bill by adding after the word "trust" in line 24, page 7, the following: "and a sworn affidavit that said person or corporation is not connected either directly or indirectly, with a trust shall be required and said affidavit shall be filed with said Board."

Senator Hudspeth offered the following amendment, which was read and adopted:

Amend Section 5, page 4, by striking out lines 24, 25, 26, 27, and substituting in lieu thereof the words, after the amendment offered by the

Senator from Wise, "The Text Book Board may also recommend supplementary reading where the publishers of the book recommended guarantee a retail price satisfactory to the Boards."

Senator Collins offered the following substitute for the bill:

SUBSTITUTE FOR SENATE BILL NO. 11.

By Collins, Mayfield, S. S. B. No. 11.
Greer, Lattimore,
Bryan.

A BILL

To Be Entitled

An Act to provide for the selection and adoption of a uniform system of text-books in and for the public free schools of the State of Texas; prescribing the manner of selecting same; the subjects to be embraced in such uniform system of books; the manner of making and duration of the contracts for furnishing such books; the giving of bonds to secure same; to prohibit improper influences upon the persons selecting such books; providing for forfeitures and penalties in case of violations of the provisions hereof; making an appropriation to carry into effect the provisions of this bill, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be selected and adopted a uniform series of text-books for the use of the public schools of the State of Texas, upon the following subjects, to wit:

Spelling, a graded series of reading books, a course in language lessons, English grammar, English composition, geography, arithmetic, algebra, physical geography, history of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), history of Texas, agriculture, a graded system of writing books, plane geometry, physics and general history; provided that none of said text-books shall contain anything of a partisan or sectarian character, and that nothing in this Act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools as a branch of study, but the teaching of one or

more of these languages shall not interfere with the use of the text-books herein prescribed, and the study of the language known as a dead language, such as Latin or Greek, shall never be made compulsory as a requirement for the completion of any regular course of study in use in any public school in this State, without providing an equivalent course for graduation, equal in all other respects to such course containing such dead language or languages, which shall include the same; provided, however, that nothing shall herein be construed to prevent the use of supplementary books, but such supplementary books shall not supersede the books herein provided for, nor shall they be necessary to the completion of any course prescribed in any of the public schools of this State.

Sec. 2. Every author, book seller, firm or corporation which may desire to negotiate with the State of Texas to supply the public schools with any text-book upon the subjects enumerated in Section 1 of this Act, shall not later than the 1st day of September, 1912, furnish three copies of such book to the county superintendent of each county in this State, having a population of fifteen hundred or more, or where there is no county superintendent, to the county judge of such county, and if any such county contain a city of ten thousand population or more, as shown by the last United States census report, such bookseller shall send three copies of such book for every such city of ten thousand or more in such county.

Said books so furnished shall be of the material and workmanship which such bookseller offers to furnish for the use of public schools in the contract which is to be executed with the State of Texas, and shall have printed on the outside of the book in plain letters the price at which such bookseller offers to furnish such book during the life of the contract, and also the price at which such book will be exchanged for old books which are to be replaced by the new, as hereinafter provided.

Sec. 3. It shall be the duty of the various county superintendents of all counties having fifteen hundred or more population, or where there is no county superintendent, the duty of the county judge, to con-

voke the county teachers' institute to meet at the county seats of their respective counties on the first Monday in November, 1912, and for the purpose of this meeting of the county teachers' institutes, all teachers in towns and cities of less than ten thousand population, as shown by the last United States census report, shall meet with the county teachers' institute, and participate in all the deliberations of said meeting on an equal footing with the teachers not located in any town or city.

And on the same day, it shall be the duty of the city superintendents of all cities having ten thousand or more population, as shown by the last United States census report, to convocate their city teachers' institute to meet in their respective cities, but separate and apart from any county teachers' institute.

Immediately upon the assembling of the county teachers' institute and the cities teachers' institutes as above provided, the teachers of such institutes shall proceed in the manner they may select to choose from their number three teachers who hold first-grade certificates and who shall have had not less than three years' actual experience in teaching in the public schools of the State of Texas, and who shall be skilled and efficient teachers of good character and standing, and said committees of teachers shall proceed in the manner provided in the next section of this Act, upon the duties therein provided.

Sec. 4. The county superintendents, or the county judge, where there is no county superintendent, shall immediately upon the election of the committees as aforesaid furnish to said committee or committees, where there are both a county and a city teachers' institute, three copies, to each committee, of the books furnished by the book sellers as aforesaid, and said committee shall proceed to examine said books carefully for the purpose of ascertaining which book or books will most promote the best interest of the public schools, but before beginning the duties herein assigned them, each number of said committees shall make and subscribe the following affidavits upon blanks to be provided by the county superintendent or county judge, and it shall be taken before any officer authorized to administer

oaths, but who shall not charge for the affidavits herein mentioned, and when so taken, the affidavits shall be filed with the county clerk of the county of the residence of the respective committees, said affidavits to read as follows:

I do solemnly swear that I am not the author or associate author of any book furnished by any bookseller with a view of contracting with the State of Texas to supply the public schools thereof, and furnished to the committee of which I am a member for its examination, and that I am not interested financially, directly or indirectly, in the sale of any book furnished to said committee for its examination.

That no person has ever by letter or otherwise influenced or attempted to influence my action in selecting or rejecting any book presented for my consideration, if I should become a member of this committee.

That I will conduct this examination intrusted to me faithfully and impartially, having nothing in mind but securing the best books for the use of the public schools of Texas, and the best interest of the boys and girls of Texas, so help me God.

Section 5. Said committees shall devote the entire week of the institute to the examination of the books furnished for their consideration; and may discuss the subject of text-books with the teachers of the institute, but with no one else, and at the end of the week shall divide the books, and carry them to their respective homes, and shall continue such examination for three weeks more, and on the third Saturday following the adjournment of the institute, said committees shall meet at their respective county seats and prepare a triplicate list of the books of their choice, one list to be kept by one member of the committee, one to be filed and kept by the county superintendent or county judge, where there is no superintendent, and one to be forwarded by such county superintendent or county judge to the State Superintendent of Public Instruction at Austin.

Sec. 6. In selecting the book or books to be contracted for by the State of Texas for its public schools, said committees shall consider the following points:

1. The subject matter of the book.
2. Its arrangements.

3. The material and workmanship of the book.

4. The price at which it is offered, together with the exchange price.

Sec. 7. At the time they file their report as provided in Section 5 of this Act, each member of the committee shall make an affidavit before the county clerk for which he shall make no charge, to the effect that during the deliberations of said committees, no person connected with or on behalf of, or representing any book seller, either in person or by mail, directly or indirectly sought to influence said committeeman in his choice of books to be selected, and when such affidavits is so made, it shall be filed by the county clerk for safekeeping.

Sec. 8. Not later than the first Saturday after the said committees have filed their report with said county superintendents, or county judges where there is no superintendent, each county superintendent, or county judge, where there is no county superintendent, shall notify the State Superintendent of Public Instruction of the choice of books made by the committee of teachers of his county, and immediately upon receipt of the reports from various county superintendents, or county judges, of the choice of books made by the teachers of the various counties, the State Superintendent of Public Instruction shall ascertain the various books which have the endorsement of the greatest number of county teachers' institutes through their respective committees, and the books thus receiving the greatest number of such endorsements, shall be declared by the State Superintendent to be the books chosen for the use of the public schools of the State of Texas, during the life of this contract.

Sec. 9. Before any book shall be considered by the committees of institutes above referred to, the party offering such book, either in person or by some duly authorized agent, shall make affidavit that within his knowledge such book is not owned or the copyright thereof, by any book trust and that the owner of the book, or the copyright thereof, is not connected with, or has any stock in any book company or corporation that has ever made any combination for the purpose of fixing the price of books, or any way to prevent free competi-

tion in the sale thereof, and that such book has not been sold, or offered for sale to any individual, school, city, county or State, at a price lower than the price offered to the State of Texas.

When such affidavit is made it shall be filed with the Secretary of State of the State of Texas, who shall issue to the party, a permit to submit such books to the county superintendents, or county judges, where there are no superintendents, to be submitted by them to the county and city teachers' institutes as aforesaid.

Sec. 10. It is further provided that no book concern or publisher or person, firm or corporation offering or proposing any book for use or adoption under the provisions of this Act shall employ any person therefor, or directly or indirectly attempt to influence the teachers of this State or the committees herein provided for, and a violation of the provisions of this section shall be held to be fraud, and upon proof of same in any suit for damages brought upon the bond of such person, firm or corporation by the Attorney General of the State of Texas, such person, firm or corporation shall be held to pay the sum of five thousand dollars as liquidated damages. Such money to be paid into the general free school fund of the State of Texas.

Sec. 11. As soon as the State Superintendent of Public Instruction has ascertained the various text-books chosen by the committees of the county and city teachers' institutes, as aforesaid, he shall immediately notify the party offering the book, that he or it has been awarded the contract on a certain book or books, and the said State Superintendent of Public Instruction is hereby fully authorized to make and enter into a contract with the party or parties whose books have been selected on such terms as are hereinafter provided, and he is required to take a bond of such bookseller with such conditions and for such amount as are hereinafter provided.

Sec. 12. Each and every person, firm or corporation to whom is awarded the contract for the supplying of any book or books in accordance with the provisions of this Act shall within thirty days after the making of such award, make and file with the Secretary of State of the State of Texas, a good and

acceptable bond in the sum of \$20,000, payable to the Governor of the State of Texas, and conditioned that such contractor shall make and furnish to the State of Texas for use in its free schools a sufficient number of such books of grade and quality as the sample submitted, as may be necessary, to supply said free schools of said State during the life of said contract, and conditioned further that said book or books shall not be owned in whole or in part or be monopolized by any trust, and that they will be furnished to said State of Texas at a cost price not higher than such books furnished to any other State of the Union, and that for any failure or violation of the conditions of said bond, suit may be brought thereon by the State of Texas by and through the Attorney General of said State to recover damages for such breach, and that said bond shall not be void for any recovery thereof.

Sec. 13. It shall be the duty of the Attorney General of the State to prepare suitable forms of contract, and also bonds, as provided herein and furnish such forms to the Superintendent of Public Instruction of the State.

Sec. 14. Further provided that the contract shall bind the contractor or contractors to furnish to said State of Texas the book or books contracted for at the original new price printed in the sample copies submitted during the entire life of such contract, and that the exchange price as printed in the sample copies submitted shall be inserted in said contract, and that all books on the same subject, which shall be changed under the provisions of this Act, which contain as much as two-thirds of the book, shall be taken in each exchange at the exchange price, such exchange price only to hold good for the first year after each change is made.

Sec. 15. It shall be a part of the terms and conditions of every contract made in pursuance of this Act that the State of Texas shall not be liable to any contractor thereunder for any sum whatsoever, but all such contractor shall receive compensation solely and exclusively from the proceeds of the sale of school books as provided in this Act.

Sec. 16. All parties with whom the contracts have been made shall establish and maintain in some city in this State a depository where a stock of

their goods to supply all immediate demands shall be kept; all contractors not maintaining their own or separate State agencies or depositories shall maintain a joint agency or depository to be located at some convenient and suitable distributing point, at which general depository each contractor joining in said agency shall keep on hand a sufficient stock of books to supply sub-depositories, and every contractor shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in public schools as shown in the last preceding report of the county superintendent on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. At each county seat as above provided, and in every city in this State containing one thousand (1,000) inhabitants or over shall be maintained an agency carrying a sufficient stock of all books contracted for to supply all immediate demands; provided, that in all the counties not entitled to a depository under the conditions as provided for in this Act, contractors shall supply such adopted books under such rules and regulations as may be prescribed by the State Board of Education. Any person, dealer or school board in any county in the State may order from the central agency, and the books so ordered shall be furnished at the same rates and discount as are granted to agents at the county seat; provided, that the price of books so ordered shall be paid in advance. Upon the failure of any contractor to furnish books as provided in the contract and in this Act, the county judge in the county wherein such books have not been furnished shall report the fact to the Attorney General, and he shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred (\$100.00) dollars, and each day of failure to furnish the books shall constitute a separate offense, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Any unorganized county shall be furnished from the same agency as the county to which said unorganized county is at-

tached for judicial purposes in the same manner as such organized county.

Sec. 17. The contract price of each book shall be plainly printed on the back of each book, together with the following notice: The price marked hereon is fixed by the State, and any deviation therefrom should be reported to the State Superintendent of Public Instruction, Austin, Texas. First year of the contract for new books the exchange price of each book shall be printed thereon also.

Sec. 18. The contracts for books to be made under the provisions of this Act shall begin and be in effect from the date of the expiration of the contracts now in existence, and shall continue for a period of five years.

Sec. 19. The fact that the present contract with publishers for furnishing text-books in this State will expire before the next Legislature can provide for a board for making new contracts and give time to the publishers to furnish books, and the fact that frequent changes in text books is an unnecessary burden upon the people of this State, and that some method should be adopted to prevent useless expenditure for books and at the same time keep the books used in the public schools of this State up-to-date, create an emergency and an imperative public necessity which requires that the constitutional rule which provides that all bills shall be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

MESSAGE FROM THE GOVERNOR.

Executive Office,

Austin, Texas, Aug. 21, 1911.

To the Texas Legislature:

In harmony with the requirements of Section 40, Article 3, of the State Constitution, I present to you the following additional subjects for legislation:

1. An amendment to Article 548 of the Revised Civil Statutes as amended by Chapter 7, Acts of the Thirty-first Legislature, so as to more fully authorize incorporated towns and cities to condemn private property, including water of natural running streams or springs, upon pay-

ment of just compensation therefor, for the purpose of constructing, maintaining and operating waterworks and sewers for such towns and cities; also to more fully authorize companies or corporations incorporated by the laws of this State for the purpose of constructing and operating waterworks and supplying towns and cities, or the inhabitants thereof, with water, to condemn and appropriate, upon the payment of just compensation therefor, any private land reasonably necessary for their use for such purposes.

I included the foregoing subject of legislation in my message to you of the 19th instant, but my attention is called to the fact that I did not make the subject sufficiently broad to give to corporations supplying water to cities and towns, and the citizens thereof, the right to condemn land for pumping stations and for laying their water mains.

2. Legislation authorizing railroad companies to issue and sell bonds, certificates and other evidences of indebtedness, to be secured by lien upon their property, for the purpose of making permanent improvements and betterments of such railroads, acquiring and constructing depots, terminals and adequate equipment, by permission of the Railroad Commission of Texas, and under its regulation, and prescribing penalties for misappropriation of funds derived from the sale of such securities.

I submit the foregoing subject for your consideration after a conference with the chairman of the Railroad Commission, and accompanying this message is a copy of a bill prepared by him, which, in my opinion, will afford much needed relief to railroad companies now operating in sparsely settled sections of the State and earning scant revenues. Eight years' service on the Railroad Commission led me to the conclusion that some such act as that now proposed is very much needed for the betterment and improvement of our railroads. Most of the railroad construction in Western Texas for the last several years has been by independent companies and largely on donations and subscriptions by the people living in territory adjacent to the railways proposed and constructed. Many of these roads are cheaply built for the reason that they have not credit enough to secure funds to construct and equip them in such

permanent order as is desirable. By authorizing the issuance of bonds by railroad companies for improvements, under the restrictions and regulations of the Railroad Commission, many of these properties can be put in first class condition and made of more service to the public and of greater value to their owners, and yet the fixed charges against such railroads, on account of such bond issues, be limited to a reasonable amount, and a sum upon which they can earn and pay interest at reasonable freight and passenger charges.

I appeal to the Legislature to give this subject their earnest and immediate favorable consideration.

3. Legislation providing for the payment into the State Treasury of any funds due to volunteers from Texas in the war between the United States and Spain, and providing the manner and form for the payment of claims to such money by volunteers to whom it may be due.

There is now something like five thousand dollars to the credit of such volunteers in one of the banks of the city of Austin. This money has been on hand since the Spanish-American War. It is due to volunteers for services rendered the Federal Government between the time of volunteering and being mustered into service. This money was paid by the Federal Government to the credit of the Governor of the State, and has been kept in bank for convenient payment of such claims as might be presented by volunteers, to whom it is due. It could be paid into the State Treasury and used as other funds, and I suggest that an Act be passed providing for this.

4. An amendment to the special road law for Lamar county.

5. Legislation amending an Act to grant a new charter for the city of Houston, Harris county, Texas, "repealing all laws or parts of laws in conflict herewith, and declaring an emergency," passed by the Twenty-ninth Legislature of the State of Texas on the 28th day of March, 1905, by adding thereto an article to be known as "Article 4a," providing for the improvement of highways in the city of Houston by filling, grading, raising, paving or repaving the same with any permanent or durable materials, or by the construction, reconstruction or repair of curbs and gutters, and laying out,

opening, widening, narrowing, straightening or otherwise establishing, defining or locating any such highway or sidewalks, and providing for the payment of the cost of making such improvement, and for the making thereof, upon petitions of property owners, and for the assessment of part of the cost of such improvement upon the owners of property abutting thereon and their property, and upon owners of street railways and steam railroads occupying such highways and their property, and providing for notice and hearing to owners of such abutting property concerning such assessments, and providing for the enforcement and collection of such assessments and providing that this amendment shall be referred to the qualified property taxpaying voters of the city of Houston for adoption before becoming effective.

6. Legislation granting to persons and corporations formed under the laws of the State of Texas the right, power, privilege and authority to erect, build, construct, maintain and operate dams across the Guadalupe river, when such persons or corporations are engaged in furnishing lights and water to cities and towns, or the inhabitants thereof.

7. Special road law for Kaufman county.

8. Special road law for Tarrant county.

9. Legislation providing for the payment of costs of proceedings in cases of coroners' inquests over the death of a State convict, or in lunacy proceedings where the sanity of a State convict is inquired into.

10. Legislation providing for the conversion of the present authorized tax for the maintenance of public schools in District No. 9 of Galveston county, or in any other public free school district that may hereafter be created out of territory which now comprises all or part of said School District No. 9.

11. Legislation regulating and controlling pearl fishing in Caddo Lake, or any other waters in the State of Texas.

12. Legislation providing for the extension of seining waters under regulations prescribed by the Fish and Oyster Commissioner.

13. Special road law for Blanco county.

14. Validating incorporation of Rusk, Cherokee county.

Respectfully submitted.

O. B. COLQUITT,
Governor.

A BILL

To Be Entitled

An Act to authorize railroad companies to issue and sell bonds, certificates and other evidence of indebtedness, to be secured by lien upon its property, for the purpose of making permanent improvements and betterments of such railroad, acquiring and constructing depots, terminals and adequate equipment, by permission of the Railroad Commission, and fixing penalties for misappropriation of funds derived from the sale of such securities, and creating an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any corporation, incorporated for the purpose of constructing, owning, maintaining and operating a railroad under the laws of this State, and which now owns a line of railroad already constructed, which has outstanding stocks and bonds secured by a mortgage, or lien upon the property, or by any other character of lien, may, for the purpose of making permanent improvements and betterments on its railroad, and acquiring and constructing adequate depots and terminals, and acquiring adequate rolling stock and equipment, issue and sell bonds, certificates or other evidence of indebtedness, and secure the same by a lien upon all, or any portion of its property, franchises and appurtenances belonging thereto, not to exceed the cost of such improvements, betterments, depots, terminals and equipment, regardless of the amount of outstanding stocks and bonds of such railroad at the time of making such betterments and improvements, or acquiring and constructing such depots and terminals and acquiring such rolling stock; providing that such railroad shall first procure the permission of the Railroad Commission of Texas to issue and sell such bonds, certificates and other evidence of indebtedness. For the purpose of carrying into effect this Act, the Railroad Commission is hereby authorized to grant such permission, upon proper application by such railroad company.

Sec. 2. This Act shall not be construed so as to in anywise repeal or impair the provisions of Chapter 14, Title 94, Revised Statutes of the State of Texas, or any other statute of the State, except in so far as the same may be changed by the provisions of this Act.

Sec. 3. If any officer, agent or employe of the corporation issuing bonds under the provisions of this Act shall, without the consent of the Railroad Commission of Texas, entered of record upon application made therefor by such corporation, wilfully use or appropriate for the benefit of said corporation, or otherwise, any moneys obtained from the sale of bonds issued under the provisions of this Act, except for the purpose named in the application to the Railroad Commission of Texas for the issuance of said bonds and the order of the Commission thereon, he shall be deemed guilty of a felony, and upon conviction shall be confined in the State penitentiary for a term of not less than two nor more than five years; and the jurisdiction of such offense shall be either in the district court of Travis county or in the district court of the county in this State wherein such officer, agent or employe may reside.

Sec. 4. Whereas, There is no adequate provision in the statutes of this State, authorizing the issuance of bonds or other evidence of indebtedness, secured by lien, for the purpose of making permanent improvements and betterments, and acquiring and constructing depots and acquiring rolling stock, there exists an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is therefore suspended, and this Act shall take effect and be in force from and after its passage, and it is hereby so enacted.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Murrey:

Senate bill No. 47, A bill to be entitled "An Act granting to the Cuero Light & Power Company, a corporation duly incorporated under the laws of the State of Texas, having its domicile in the city of Cuero, in DeWitt county, Texas, and having there established its principal office

and place of business, power, privilege and authority to erect, build, construct, maintain and operate two dams across the Guadalupe river in DeWitt county, Texas, one at any point on said river above what is known as Heard's bridge, a public highway of DeWitt county, Texas, across said river, and between said Heard's bridge and what is known as the Clinton bridge across said river in DeWitt county, Texas, also being a public highway bridge, and the other dam to be erected at some point within one mile below or above what is known as the Hochheim bridge across said Guadalupe river in DeWitt county, Texas, the same being a public highway bridge across said river, and in connection with each of said dams to erect reservoirs, lakes, locks, abutments, buildings and machinery; and to grant to said Cuero Light & Power Company the privilege and right to use all of the land and water and riparian rights, and all the rights of every character of the State of Texas in, to and adjacent to said Guadalupe river between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers, and current; granting to and conferring upon said corporation the power, authority and privilege to dam and overflow the water of said Guadalupe river and its tributaries at the points above mentioned and up said stream from said points of said dams as far as the back water or reservoirs of said dams would extend; and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river from said dams across said Guadalupe river as far back as any back water or reservoir will extend; and to back the water in said Guadalupe river and its tributaries up the said river above mentioned to any height, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Sturgeon:

Senate bill No. 48, A bill to be entitled "An Act to amend an Act entitled 'An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to

issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, gravelled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work; and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency," passed at the Third Called Session of the Thirty-first Legislature, and approved August 17, 1910, by adding thereto Sections 40, 41, 42 and 43, providing a method of making up the tax rolls of Lamar county, providing for the deposit and disbursements of the funds under said Act, providing regulations for traffic on said roads, and declaring an emergency.

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Lattimore:

Senate bill No. 49, A bill to be entitled "An Act to increase the authority of the commissioners court of Tarrant county, Texas, and of the commissioners of said county; to require said commissioners to devote their entire time to affairs of said county; to provide for a road engineer for said county, at the option of the commissioners court, and fixing his salary and defining his duties; to fix the salary for the members of said court, and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

EXECUTIVE SESSION—TIME SET FOR.

Senator Weinert here moved that tomorrow morning at 11:30 o'clock be designated as the hour for the Senate to sit in Executive Session to consider the appointments sent to the Senate for confirmation.

The motion prevailed.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives.
Austin, Texas, Aug. 21, 1911.
Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate to return Senate bill No. 2.

Respectfully.

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 11.

Action recurred on Senate bill No. 11, the pending business, the question being on substitute by Senator Collins and Senator Terrell of Wise moved that the reading of same be dispensed with, which motion prevailed.

After discussion, Senator Terrell of Wise moved to table the substitute, which motion to table prevailed by the following vote:

Yeas—13.

Adams.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Kauffman.	Terrell, Wise.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Nays—9.

Bryan.	Lattimore.
Collins.	Mayfield.
Greer.	Real.
Hume.	Townsend.
Johnson.	

Absent.

Astin.	Ratliff.
Cofer.	

Absent—Excused.

Carter.	Vaughan.
McNealus.	Warren.
Perkins.	Willacy.

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Johnson.
Bryan.	Kauffman.
Collins.	Lattimore.
Greer.	Mayfield.
Hudspeth.	Meachum.
Hume.	Murray.

Paulus. Terrell, Wise.
Peeler. Townsend.
Real. Ward.
Sturgeon. Watson.
Terrell, McLennan. Weinert.

Absent.

Astin. Ratliff.
Cofer.

Absent—Excused.

Carter. Vaughan.
McNealus. Warren.
Perkins. Willacy.

The bill was read third time and passed by the following vote:

Yeas—22.

Adams. Murray.
Bryan. Paulus.
Collins. Peeler.
Greer. Real.
Hudspeth. Sturgeon.
Hume. Terrell, McLennan.
Johnson. Terrell, Wise.
Kauffman. Townsend.
Lattimore. Ward.
Mayfield. Watson.
Meachum. Weinert.

Absent.

Astin. Ratliff.
Cofer.

Absent—Excused.

Carter. Vaughan.
McNealus. Warren.
Perkins. Willacy.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 2.

The Chair laid before the Senate the regular order, and

On motion of Senator Weinert, the regular order of business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, Senate bill No. 2, by the following vote:

Yeas—22.

Adams. Hume.
Bryan. Johnson.
Collins. Kauffman.
Greer. Lattimore.
Hudspeth. Mayfield.

Meachum. Terrell, McLennan.
Murray. Terrell, Wise.
Paulus. Townsend.
Peeler. Ward.
Real. Watson.
Sturgeon. Weinert.

Absent.

Astin. Ratliff.
Cofer.

Absent—Excused.

Carter. Vaughan.
McNealus. Warren.
Perkins. Willacy.

The Chair laid before the Senate Senate bill No. 2, the Contingent expense bill.

Senator Weinert moved to rescind the vote by which the "vote to reconsider the vote by which the bill was passed and lay that motion on the table, prevailed."

The motion prevailed.

Senator Weinert moved to rescind the vote by which the bill was finally passed.

The motion prevailed.

Senator Weinert moved to rescind the vote by which the bill was ordered engrossed.

The motion prevailed.

Senator Weinert moved to rescind the vote by which the committee report was adopted.

The motion prevailed.

The Chair then laid before the Senate on second reading, Senate bill No. 2, the Contingent Expense bill.

The committee report, which provided that the bill be not printed was adopted.

Bill read second time, and ordered engrossed.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage.

The motion was lost by the following vote:

Yeas—20.

Adams. Mayfield.
Bryan. Meachum.
Collins. Murray.
Greer. Paulus.
Hume. Peeler.
Johnson. Real.
Kauffman. Sturgeon.
Lattimore. Terrell, McLennan.

Terrell, Wise. Ward.
Townsend. Weinert.

Nays—1.

Watson.
Absent.

Astin. Hudspeth.
Cofer. Ratliff.

Absent—Excused.

Carter. Vaughan.
McNealus. Warren.
Perkins. Willacy.

Senator Watson moved to reconsider the vote by which the motion to suspend the constitutional rule was lost, which was adopted.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams. Paulus.
Bryan. Peeler.
Collins. Real.
Greer. Sturgeon.
Hume. Terrell, McLennan
Johnson. Terrell, Wise.
Kauffman. Townsend.
Lattimore. Ward.
Mayfield. Watson.
Meachum. Weinert.
Murray.

Absent.

Astin. Hudspeth.
Cofer. Ratliff.

Absent—Excused.

Carter. Vaughan.
McNealus. Warren.
Perkins. Willacy.

After discussion, Senator Johnson moved to reconsider the vote by which the constitutional rule requiring bills to be read on three several days was suspended.

The motion prevailed.

On motion of Senator Johnson, the vote by which the bill was ordered engrossed was reconsidered.

The bill was then before the Senate on second reading, and,

Senator Terrell of Wise offered the following amendment:

12—S.

Amend the bill by striking out "\$10,000.00" wherever it occurs in the bill and insert in lieu of same "\$20,000.00."

The amendment was read and adopted by the following vote:

Yeas—11.

Bryan. Sturgeon.
Collins. Terrell, Wise.
Greer. Townsend.
Johnson. Ward.
Lattimore. Warren.
Mayfield.

Nays—7.

Hume. Real.
Kauffman. Watson.
Murray. Weinert.
Paulus.

Absent.

Astin. Hudspeth.

Absent—Excused.

Carter. Terrell, McLennan.
McNealus. Willacy.
Perkins.

PAIRED.

Senator Peeler (present), who would vote "nay," with Senator Ratliff (absent), who would vote "yea."

Senator Adams (present), who would vote "nay," with Senator Cofer (absent), who would vote "yea."

Senator Meachum (present), who would vote "nay," with Senator Vaughan (absent), who would vote "yea."

Bill read second time and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams. Paulus.
Bryan. Peeler.
Collins. Real.
Greer. Sturgeon.
Hume. Terrell, Wise.
Johnson. Townsend.
Kauffman. Ward.
Lattimore. Warren.
Mayfield. Watson.
Meachum. Weinert.
Murray.

Absent.

Astin.	Hudspeth.
Cofer.	Ratliff.

Absent—Excused.

Carter.	Terrell, McLennan.
McNealus.	Vaughan.
Perkins.	Willacy.

The Chair declared the motion to suspend the constitutional rule prevailed, and,

Senator Watson made the point of order that it required a four-fifths vote of the members of the Senate to suspend the constitutional rule.

RECESS.

On motion of Senator Weinert, the Senate at 5:45 recessed until 8:30 o'clock tonight.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

LOCAL BILLS.

The Senate proceeded to the consideration of local bills, which was in accordance with the resolution adopted at the forenoon.

SENATE BILL NO. 22.

The Chair laid before the Senate on second reading and regular order, Senate bill No. 22, A bill to be entitled "An Act to amend Section 26 of the special act passed at the Regular Session of the Thirtieth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Tyler, in Smith county, Texas, and to define its boundaries,' etc."

Bill read second time, and ordered engrossed.

Senator Greer moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading and final passage.

The roll call developed no quorum voting, the following being the vote:

Yeas—17.

Carter.	Johnson.
Collins.	Kauffman.
Greer.	Lattimore.

McNealus.	Terrell, Wise.
Murray.	Townsend.
Paulus.	Vaughan.
Peeler.	Warren.
Real.	Weinert.

Sturgeon.

Absent.

Adams.	Mayfield.
Astin.	Meachum.
Bryan.	Ratliff.
Cofer.	Terrell, McLennan.
Hudspeth.	Ward.
Hume.	Watson.

Absent—Excused.

Perkins.	Willacy.
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There being no quorum voting, Senator Sturgeon moved a call of the Senate for the purpose of securing and maintaining a quorum, the call being duly seconded, was so ordered.

The roll was called, the following Senators answering to their names:

Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Johnson.	Terrell, Wise.
Kauffman.	Townsend.
Lattimore.	Vaughan.
McNealus.	Warren.
Murray.	Weinert.
Paulus.	

Absent.

Adams.	Mayfield.
Astin.	Meachum.
Bryan.	Ratliff.
Cofer.	Terrell, McLennan.
Hudspeth.	Ward.
Hume.	Watson.

Absent—Excused.

Perkins.	Willacy.
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The Sergeant-at-Arms was instructed to bring in the absentees.

Pending a short delay, Senators Bryan, Ward, Hume, Astin, and Hudspeth were announced at the bar of the Senate, which made a quorum present, being twenty-two members.

SENATE BILL NO. 22.

Action recurred on the pending business, Senate bill No. 22, the question being on the motion to suspend the constitutional rule requiring bills to be read on three several days.

The motion prevailed by the following vote:

Yeas—22.

Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Weinert.

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	Watson.

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan.	

The bill was read third time and passed by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan.	

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS AND RESOLUTIONS.

(By Unanimous Consent.)

By Senator Hume:

Senate bill No. 50, A bill to be entitled "An Act to amend 'An Act

to grant a new charter to the city of Houston, Harris county, Texas; repealing all laws or parts of laws in conflict herewith, and declaring an emergency," passed by the Twenty-ninth Legislature of the State of Texas on the 28th day of March, 1905, by adding thereto an article to be known as "Article 4a," providing for the improvement of highways in the city of Houston by filling, grading, raising, paving or repaving the same with any permanent or durable materials, or by the construction, reconstruction or repair of curbs and gutters, and laying out, opening, widening, narrowing, straightening or otherwise establishing, defining or locating any such highways or sidewalks, and providing for the payment of the cost of making such improvements, and for the making thereof upon petitions of property owners, and for the assessment of part of the cost of such improvement upon owners of property abutting thereon and their property, and upon owners of street railways and steam railroads occupying such highways and their property, and providing for notice and hearing to owners of such abutting property concerning such assessments, and providing for the enforcement and collection of such assessments, and providing that this amendment shall be referred to the qualified property tax paying voters of the city of Houston for adoption before becoming effective, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Kauffman:

Senate bill No. 51, A bill to be entitled "An Act to employer the county commissioners court of Galveston county to redivide Boliver Peninsula into public free school districts of less than nine squares miles area, and to divide the present public free school district No. 9 into not more than two public free school districts, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Kauffman:

Senate bill No. 52, A bill to be entitled "An Act providing for the conversion of the present tax for maintenance of public free schools in Public Free School District No. 9

of Galveston county, or in any public free school district that may hereafter be created of territory now part of said District No. 9, into a tax to provide both a sinking fund for an issue of bonds for schoolhouse construction and equipment and a maintenance fund for public schools, by levying taxes at the total rate equal to the present rate for said purposes and repealing the present said tax; and providing an election to determine upon the same, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Vaughan:

Senate bill No. 53, A bill to be entitled "An Act to amend Section 6 of Chapter 3 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature, and approved February 2, 1911, relative to a system of a State, county and city depositories for State, county and city funds, and defining the duties of the State Treasurer as to the acceptance of county, municipal, independent school district, common school district, and road improvement district bonds as collateral security for deposits made in the State depositories, repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Finance.

SENATE BILL NO. 21.

The Chair laid before the Senate, as regular order, and on second reading.

Senate bill No. 21, A bill to be entitled "An Act creating the Lakeview Independent School District in Hall county, Texas; providing for a board of trustees, etc., and declaring an emergency."

The committee report which provided that the bill be not printed was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Carter.
Bryan.	Collins.

Greer.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
McNealus.
Murray.
Paulus.

Peeler.
Real.
Sturgeon.
Terrell, Wise.
Townsend.
Ward.
Warren.
Watson.
Weinert.

Absent.

Adams.
Cofer.
Mayfield.

Meachum.
Ratliff.

Absent—Excused.

Perkins. Vaughan.
Terrell, McLennan. Willacy.

The bill was read third time and passed by the following vote:

Yeas—22.

Astin.
Bryan.
Carter.
Collins.
Greer.
Hudspeth.
Hume.
Johnson.
Kauffman.
Lattimore.
McNealus.

Murray.
Paulus.
Peeler.
Real.
Sturgeon.
Terrell, Wise.
Townsend.
Ward.
Warren.
Watson.
Weinert.

Absent.

Adams.
Cofer.
Mayfield.

Meachum.
Ratliff.

Absent—Excused.

Perkins. Vaughan.
Terrell, McLennan. Willacy.

Senator Johnson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 23.

The Chair laid before the Senate as regular order on second reading.

Senate bill No. 23, A bill to be entitled "An Act to authorize and permit the Crosbyton Independent School district to increase its territory, etc., and declaring an emergency."

On motion of Senator Johnson the bill was laid on the table subject to call.

SENATE BILL NO. 27.

The Chair laid before the Senate as regular order and on second reading,

Senate bill No. 27, A bill to be entitled "An Act to amend an Act entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas, etc., and declaring an emergency.'"

On motion of Senator McNealus, the bill was laid on the table subject to call.

SENATE BILL NO. 40.

The Chair laid before the Senate. Senate bill No. 40, and,

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan.	

The Chair laid before the Senate on second reading,

Senate bill No. 40, A bill to be entitled "An Act to amend the charter of the city of Longview entitled 'An Act to incorporate the city of Longview and to grant it a new charter, to define its powers and to prescribe its duties,' etc., and to declare an emergency."

On motion of Senator Carter, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Ward.
Johnson.	Warren.
Kauffman.	Vaughan.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan.	

The bill was read third time and passed by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	

Absent—Excused.

Perkins. Willacy.
Terrell, McLennan.

Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

(Senator Hudspeth in the chair.)

SENATE BILL NO. 33.

The Chair laid before the Senate Senate bill No. 33.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—22.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.

Absent.

Adams.	Murray.
Cofer.	Ratliff.
Mayfield.	Terrell, McLennan.
Meachum.	

Absent—Excused.

Perkins. Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 33, A bill to be entitled "An Act to authorize and employer Wichita county or any political subdivision of said county, by a vote of a two-thirds majority of the resident property tax payers, qualified thereof, voting therefor, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of con-

structing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

On motion of Senator Johnson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Johnson, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	Terrell, McLennan.

Absent—Excused.

Perkins. Willacy.

The bill was read third time and passed by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams. Meachum.
Cofer. Ratliff.
Mayfield. Terrell, McLennan.

Absent—Excused.

Perkins. Willacy.

Senator Johnson moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 47.

The Chair laid before the Senate, Senate bill No. 47, and,

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—23.

Astin. Paulus.
Bryan. Peeler.
Carter. Real.
Collins. Sturgeon.
Greer. Terrell, Wise.
Hudspeth. Townsend.
Hume. Vaughan.
Johnson. Ward.
Kauffman. Warren.
Lattimore. Watson.
McNealus. Weinert.
Murray.

Absent.

Adams. Meachum.
Cofer. Ratliff.
Mayfield. Terrell, McLennan.

Absent—Excused.

Perkins. Willacy.

The Chair laid before the Senate on second reading,

Senate bill No. 47, A bill to be entitled "An Act granting the Cuero Light & Power Company certain privileges. (See "Bills and Resolutions" for caption in full.)

On motion of Senator Murray, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report.)

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin. Paulus.
Bryan. Peeler.
Carter. Real.
Collins. Sturgeon.
Greer. Terrell, Wise.
Hudspeth. Townsend.
Hume. Vaughan.
Johnson. Ward.
Kauffman. Warren.
Lattimore. Watson.
McNealus. Weinert.
Murray.

Absent.

Adams. Meachum.
Cofer. Ratliff.
Mayfield. Terrell, McLennan.

Absent—Excused.

Perkins. Willacy.

The bill was read third time and passed by the following vote:

Yeas—23.

Astin. Paulus.
Bryan. Peeler.
Carter. Real.
Collins. Sturgeon.
Greer. Terrell, Wise.
Hudspeth. Townsend.
Hume. Vaughan.
Johnson. Ward.
Kauffman. Warren.
Lattimore. Watson.
McNealus. Weinert.
Murray.

Absent.

Adams. Meachum.
Cofer. Ratliff.
Mayfield. Terrell, McLennan.

Absent—Excused.

Perkins. Willacy.

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 48.

The Chair laid before the Senate, Senate bill No. 48.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—22.

Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.

Absent.

Adams.	Ratliff.
Cofer.	Terrell, McLennan.
Mayfield.	Weinert.
Meachum.	

Absent—Excused.

Perkins. Willacy.

The Chair laid before the Senate on second reading,

Senate bill No. 48, A bill to be entitled "An Act to amend an Act entitled 'An Act to authorize and empower Lamar county or any political subdivision of said county by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work; and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature, creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency,' passed

at the Third Called Session of the Thirty-first Legislature and approved August 17, 1910, by adding thereto Sections 40, 41, 42 and 43, providing a method of making up the tax rolls of Lamar county, providing for the deposit and disbursement of the funds under said act, providing regulations for traffic on said roads, and declaring an emergency."

On motion of Senator Sturgeon, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time and ordered engrossed.

On motion of Senator Sturgeon, the constitutional rule requiring bill to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Astin.	Murray.
Bryan.	Paulus.
Carter.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, Wise.
Hume.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.

Absent.

Adams.	Ratliff.
Cofer.	Terrell, McLennan.
Mayfield.	Weinert.
Meachum.	

Absent—Excused.

Perkins. Willacy.

The bill was read third time and passed by the following vote:

Yeas—23.

Astin.	Johnson.
Bryan.	Kauffman.
Carter.	Lattimore.
Collins.	McNealus.
Greer.	Murray.
Hudspeth.	Paulus.
Hume.	Peeler.

Real.	Ward.
Sturgeon.	Warren.
Terrell, Wise.	Watson.
Townsend.	Weinert.
Vaughan.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	Terrell, McLennan.

Absent—Excused.

Perkins.	Willacy.
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Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 49.

The Chair laid before the Senate, Senate bill No. 49, and,

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan.	

The Chair laid before the Senate, on second reading,

Senate bill No. 49, granting certain authority to the commissioners court of Tarrant county. (See "Bills and Resolutions" for caption in full.)

On motion of Senator Lattimore, the Senate rule requiring committee reports to lie over for one day was

suspended, for the purpose of considering this bill (see Appendix for committee report).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time and ordered enrossed.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan.	

The bill was read third time, and passed by the following vote:

Yeas—23.

Astin.	Paulus.
Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Hume.	Vaughan.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
McNealus.	Weinert.
Murray.	

Absent.

Adams.	Meachum.
Cofer.	Ratliff.
Mayfield.	

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan	

Senator Lattimore moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 31.

The Chair laid before the Senate, House bill No. 31, and,

Senator McNealus moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its second reading.

The roll call developed no quorum voting, as follows:

Yeas—20.

Bryan.	Peeler.
Carter.	Real.
Collins.	Sturgeon.
Greer.	Terrell, Wise.
Hudspeth.	Townsend.
Johnson.	Vaughan.
Kauffman.	Ward.
Lattimore.	Warren.
McNealus.	Watson.
Murray.	Weinert.

Absent.

Adams.	Mayfield.
Astin.	Meachum.
Cofer.	Paulus.
Hume.	Ratliff.

Absent—Excused.

Perkins.	Willacy.
Terrell, McLennan.	

ADJOURNMENT.

On motion of Senator Real, the Senate, at 10:10 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

SENATE BILL NO. 28.

The following bill is printed here by order of the Senate:

By Watson, S. B. No. 28.
Terrell of McLennan
and Adams.

A BILL

To Be Entitled

An Act to amend Chapter seven (7), of the General Laws of the State of Texas, passed by the First Called

Session of the Thirty-first Legislature, same being entitled "An Act to authorize any county, or political subdivision, or other defined district of a county, upon a vote of two-thirds majority of the resident property tax payers voting thereon, who are qualified electors of such county or political subdivision, or defined district of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county, or political subdivision, or defined district thereof; and to levy and collect taxes to pay the interest on said bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining, and operating macadamized, gravel, and paved roads and turnpikes, or in aid thereof, creating the office of Road Superintendent, providing that any county operating under a special road law may take advantage of any of the provisions of this Act," by adding thereto Section 5a, authorizing the issuance of bonds by the entire county by a majority vote, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Chapter Seven (7) of the General Laws of the First Called Session of the Thirty-first Legislature be amended by adding thereto:

"Section 5a. Any county in this State is hereby authorized and empowered to issue bonds or otherwise lend its credit in any amount for which the annual tax levy for the purpose of paying the interest thereon and providing a sinking fund, shall not exceed the rate provided for under Article 8, Section 9, of the Constitution as amended in 1889, if it shall appear that at an election ordered and held as authorized by Sections 2, 3 and 4 of this Act, a majority of the property tax paying voters voting at such election are in favor of said issue. All the provisions now in force in this Article relating to the petition, the election, and the issuance and sale of bonds, the direction and supervision of the work, and all other provisions of this Article, shall apply to the issuance of bonds under this section, which shall be construed as cumulative of all the other sections in this Act and of the

general road laws of Texas where not in direct contravention with this Act, and any such laws in contravention herewith are hereby expressly repealed."

Sec. 2. The fact that there is no adequate law now on the statute books governing the issuance of bonds by an entire county for the purpose of road construction, constitutes an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three successive days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred Senate bill No. 53, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed but be printed in the Journal.

WEINERT, Chairman.

S. B. No. 53.

By Vaughan.

A Bill

To Be Entitled

An Act to amend Section 6 of Chapter 3 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature and approved February 2, 1911, relative to a system of a State, county and city depositories for State, county and city funds, and defining the duties of the State Treasurer as to the acceptance of county, municipal, independent school district, common school districts, and road improvement district bonds as collateral security for deposits made in the State depositories, repealing all laws in conflict therewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 6 of Chapter 3, General Laws of the State of Texas, passed at the Regular Session of the Thirty-second Legislature, and approved February 2, 1911, be and the same is hereby amended so as hereafter read as follows:

Section 6. The State Treasurer shall also require the deposit as collateral security for such deposit required, United States, State, county independent school district, common school district and road improvements district, or municipal bonds, in an amount equal to the sum deposited with and received by each such bank or banking institution, which depository shall not be required, however, to receive on deposit more than fifty thousand dollars at any one time; but before any State, county or municipal bonds shall be received as collateral security in such cases, they must be registered with the Comptroller and approved by the Attorney General of the State of Texas, under the same rules and regulations as are now required for bonds in which the permanent school funds of the State are to be invested; provided, that the State Treasurer may accept such county, municipal or independent school district bonds at their reasonable market value; and provided further, that the State Treasurer shall not accept any such bonds in which the permanent school fund of the State cannot be invested under existing laws.

Sec. 2. All laws and parts of laws in conflict herewith shall be and the same are hereby expressly repealed.

Sec. 3. The fact that there is now no provision of law authorizing the State Treasurer to accept county, municipal and independent school district bonds at less than their par value creates an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days.

Committee Room,

Austin, Texas, Aug. 19, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 27, A bill to be entitled "An Act to amend an act entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas, repealing all laws or parts of laws in conflict herewith and declaring an emergency,' approved April 13, 1907, by amending thereof Subdivision 5 of Section 2 of Article 2, and Section 2 of Article 2, by adding to said Section 2 Subdivision 10, and amending Subdivision 4 of Article 6, and subdivision "q"

of Section 1 of Article 10 of said act, relating to the issuance and ratification of bonds of the city of Dallas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed, with the following committee amendments:

(1)

Amend the caption of said bill by adding after the word Dallas, and before the word "and," of the emergency clause, line 10, the following: "Also amending Articles 3, 4, 5 and 12, concerning free text-books for public schools, and other matters contained in said Articles of the said city charter of Dallas, Texas."

(2)

Amend the bill, page 8, by striking out all of Section 2 of said bill and adding in lieu thereof the following numbered Sections:

Sec. 2. That Article II of said special act be amended by adding thereto Section 9, which reads as follows:

"Section 9. Municipal Extensions of Street Car Lines.

1. Full power is hereby granted to the city of Dallas, acting through the Board of Commissioners, either on their own motion, or by initiative or referendum, as provided herein in Article VIII, to require any person, firm or corporation or receiver, holding or to hold any franchise or privilege from said city, to operate its cars over any line of street railway built, purchased or acquired by the city, and to pay the city a reasonable rental for the use of said line of street railway; said rental to be fixed by the Board of Commissioners after hearing a statement from the person, firm, corporation or receiver to be required to operate the cars over said line. 2. It shall be the duty of the Board of Commissioners, when requested by the petition of not less than 250 citizens residing in a locality of the city which asserts that it needs an extension of street car service, immediately to have an estimate made of the cost of said extension, and to submit at the next general election the question of authorizing the issuance of bonds for the construction

of said extension; but if the Board of Commissioners can make such extension out of the general funds without such bond issue, they are hereby specifically authorized to do so. 3. Full power is hereby granted to the city of Dallas, acting through the Board of Commissioners, on their own motion, or by initiative or referendum, as provided herein in Article VIII, to purchase, construct, or lease, any line or lines, or part of line of street railway within or adjacent to the limits of the corporation; and to procure all equipment needed for said line or lines, including cars, rails, power stations, and all other things necessary for the construction and operation of the same, and to buy or condemn land for use in this connection; and to maintain or operate said line or lines, either directly or by leasing them, no such lease to be for a period beyond the life of the franchise of the line to which the extension connects.

Sec. 3. (a) That Article V of said special act be amended by adding to said Article V a new section numbered 5, which reads as follows:

"Section 5. All meetings of the Board of Education, regular or special, shall at all times be open to the public."

(b) That Article V of said special act be amended by inserting in the third sentence of said article the following words, "except as hereinafter specifically provided," so that said third sentence shall read as follows:

"The members of said Board shall have exclusive control of the public schools of the city of Dallas, except as hereinafter specifically provided, and shall have full and ample authority, in accordance with the provisions hereof, to provide necessary school buildings and facilities, including text-books and supplies, and to open and conduct a sufficient number of schools to meet the wants of the scholastic population of the city of Dallas, so far as they can do so by prudent and judicious application of the means made subject to their administration and management."

(c) That Article V of said special act be amended by adding thereto a new section numbered 6, which reads as follows:

"Sec. 6. It is hereby specifically provided that the city of Dallas, act-

ing in accordance with the terms of Article VIII hereof, shall have power and authority to make rules and regulations governing the public schools of Dallas."

(d) That Article V of said special act be amended by adding thereto a new section numbered 7, which reads as follows:

"Sec. 7. All employes of the schools of the City of Dallas shall be subject to the merit system, of which the following are hereby declared to be substantially the principles:

"1. All employes shall be selected solely for their fitness for the work to be performed, selections being made, if possible, from the eligible list under the civil service regulations.

"2. All employes shall be chosen first for a period of probation before being placed on the permanent list.

"3. Employes shall be retained and promoted in accordance with merit, efficiency and years of service in the schools. Employes shall be dismissed or reduced in rank only for cause stated. Before such dismissal or reduction is effected, such employe shall be furnished with a written statement of the grounds for such action, and if such employe so request it, he shall be allowed a fair and open hearing before action is finally taken by the board."

(e) That Article V of said special act be amended by adding thereto a new section numbered 8, which reads as follows:

"Sec. 8. At the first regular meeting of the Board of Education after the enactment of these amendments it shall be the duty of said Board to begin to prepare, and as rapidly as practicable, to complete, adopt, and publish a set of civil service regulations governing the employes of the Dallas public schools, substantially like the regulations of the Federal Civil Service; and to provide for the enforcement of such regulations by appropriate means."

Sec. 4. That paragraph 7 of Section 8 of Article II of said special act be amended so that said paragraph 7 of Section 8 of Article II shall read as follows:

"The right is hereby delegated to the City of Dallas, acting through the Board of Commissioners, or by initiative or referendum as herein provided in Art. VIII, to determine, fix and regulate the charges, fares, or

rates of any person, firm or corporation, or lessee or receiver, enjoying or that may enjoy a franchise or exercising any other public privilege in said city, and to prescribe the kind of service to be furnished by such person, firm or corporation or lessee or receiver, and the manner in which it shall be rendered, and from time to time alter or change such rules, regulations, and compensation, and to make in reference to the furnishing of said service, in reference to the rendition of bills for such service, and in reference to the payment for said service, any regulation that they may see fit for the public good, safety, comfort, or convenience; provided, that in adopting such regulations and in fixing or changing such compensation or determining the reasonableness thereof, no stocks or bonds authorized or issued by any such person, firm or corporation, or lessee or receiver aforesaid, enjoying such franchise, shall be considered unless upon proof that the same have been actually issued for money paid and used for the development of the actual property of said franchise-holder or privilege-holder or labor done or property actually received in accordance with the laws and Constitution of the State applicable thereto; and in order to ascertain all the facts necessary or desirable in the formulation of said rules and regulations, the Board of Commissioners shall have full power to inspect books and compel attendance of witnesses as provided in sub-section 6 hereof, and may prescribe all penalties named in said sub-section 6 for a failure or refusal to attend and testify or produce books, and it is hereby specifically provided that the City of Dallas may, by initiative or referendum as provided in Article VIII enact ordinances establishing any such regulation."

Sec. 5. That Article III of said Special Act be amended by the addition thereto of sub-section 25 to read as follows:

"25. At the first regular meeting of the Board of Commissioners after the enactment of this amending act, it shall be the duty of the Board of Commissioners to begin to prepare, and as speedily as practicable to complete, adopt, and publish a set of civil service regulations governing the employes of the City of Dallas, except the City Judge, the City Attorney, and the City

Auditor, substantially like the civil service regulations of the Federal Government; and to provide for the enforcement of such civil service regulations with all appropriate means."

Sec. 6. That Section 2 of Article XIV be and the same is hereby amended so that said Section 2 of Article XIV shall hereafter read as follows:

"2. (a) In all work done by or for the city within the limits of the city or on property owned or controlled by the city, either by day work or by contract, eight hours shall constitute a day's work; and no employee of the city on work for the city, or employee of any contractor or sub-contractor of such work, shall be required to work longer than eight hours in any one calendar day; provided, that this section shall not apply to the fire or police department or the employees engaged in clerical work for the city; and provided, further, that this section shall not be construed to apply to any contract entered into by the city prior to the passage of this Act; provided, that in case of emergency, an employee may be required or engaged to work longer than eight hours, but when so required or engaged to work longer than eight hours, such employee shall be paid for such overtime at the rate of one and one-half times the rate such employee is paid for his labor during the eight hours; any city official or employee or any other person who shall require or allow under his direction more than eight hours' work to be done in one day by one man, save in cases of emergency, for which time and one-half shall be paid, shall be guilty of a misdemeanor, and upon conviction in the City Court shall be fined not less than \$5.00 nor more than \$50.00, and each day such excess is required or allowed shall constitute a separate offense.

(b) The wage of \$2.00 for eight hours' work is hereby fixed as the minimum to be paid by the City of Dallas on all work done by the city, either by day labor or contract.

Sec. 7. That Section 1 of Article IV be and the same is hereby amended so that said Section 1 of Article IV shall hereafter read as follows:

"The City Attorney shall be chosen by the qualified voters of the City of Dallas in the same manner as the Mayor; provided, that the present

City Attorney shall hold office until the next city election is held, to wit: in April, 1912, at which time a City Attorney shall be elected, who shall hold office until the next regular election for Mayor and Commissioners, at which time a City Attorney shall be regularly elected, who shall hold office for two years, unless sooner removed, who shall devote his entire time to his office, and shall receive a salary of \$3,000.00 per year. Said officer shall represent the city in all litigation and controversies. The Board of Commissioners shall be empowered at its discretion to employ an assistant or assistants for said officer, and to fix the compensation to be paid for such service, and such City Attorney and his assistants shall have authority to administer oaths and affidavits. It shall be the duty of the City Attorney to approve in writing all proposed ordinances before they shall be adopted or to file with the Board of Commissioners in writing his objections thereto. It shall be his duty to draft all proposed ordinances granting franchises, and in the event he shall not approve any such proposed ordinance, it shall be his duty to file with the Board of Commissioners in writing his objections thereto. It shall be the duty of said officer to inspect and pass upon all papers, documents, contracts and other instruments in which the city may be interested. He shall be the legal adviser of the Mayor, the Board of Commissioners and Board of Education, or any committee thereof, and all city officers and employees with respect to any legal question involving an official duty or any matter pertaining to the affairs of the city of Dallas. The City Attorney shall perform such other duties as the Board of Commissioners may direct. Whenever it shall be brought to the knowledge of the City Attorney, through the affidavit of ten creditable persons, or otherwise, that any person, firm or corporation exercising and enjoying any franchise or privilege from the city of Dallas has been guilty of a breach of any condition of such grant, or had failed to comply in any material matter with the terms and stipulations thereof, it shall be the duty of said officer to make report of said matter to the Board of Commissioners, together with all facts bearing upon the same which may be brought to his attention. If said board shall deter-

mine that said complaints are well founded, it shall be its duty to take such action as may be necessary; and in the event the offending corporation shall fail or refuse to conform to such orders as it may make with respect thereto, it shall be the duty of the board to direct the City Attorney to institute suit in the court having jurisdiction thereof against such person, firm or corporation so offending to obtain a judgment of forfeiture of said franchise or privilege."

Sec. 8. That Section 2 of Article IV of said Special Act be and the same hereby is amended so that said Section 2 of Article IV shall hereafter read as follows:

"2. There shall be a court for the trial of misdemeanor offenses known as the "Corporation Court," with power and duties concurrent with the criminal jurisdiction of the County Court of Dallas County at Law, but with jurisdiction restricted to offenses committed within the territorial limits of the city of Dallas."

The magistrate of said court shall be known as the "judge of the corporation court;" he shall be a qualified voter of the city of Dallas, and shall be chosen by the qualified voters of the city of Dallas in the same manner as the mayor; provided, that the present corporation judge shall hold office until the next city election is held, to wit in April, 1912, at which time a corporation judge shall be elected, who shall hold office until the next regular city election for mayor and commissioners, at which time a corporation judge shall be regularly elected, and shall hold office for two years, unless sooner removed. who shall devote his entire time to said office, and shall receive a salary of \$3000 per year. There shall be a clerk or clerks of said court, and such deputies as may be created or provided for by ordinance adopted by the commissioners, which deputies shall be appointed by the mayor and confirmed by the Board of Commissioners, and shall be subject to removal at any time by the Board of Commissioners, and shall receive such salary as may be fixed by the Board of Commissioners.

The clerk or clerks of said court and deputies thereof shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and gen-

erally do and perform all things and acts usually or necessary to be performed by a clerk of courts in issuing process of said courts and conducting the business thereof.

The Board of Commissioners may require such clerks or deputies created by it to perform such other duties, in addition to the duties of clerk or deputy clerk as may be prescribed, or may provide that some other employe or employes of the city, in addition to other duties, may perform the duties of such clerk or deputy clerk, without extra compensation.

No fees other than jury or witness fees shall be charged in the corporation court.

All persons arrested by city officers shall be tried in this court if the offense is within its jurisdiction.

Sec. 9. That Article IV of said special act be amended by striking out paragraph 1 of Section 3 thereof, and inserting in lieu thereof a new paragraph, which reads as follows:

"An auditor for the city of Dallas shall be elected by the qualified voters of said city in the same manner that the mayor is elected, providing that the present auditor shall hold office until the next regular city election is held, to wit in April, 1912, at which time an auditor shall be elected by the qualified voters of the city, who shall hold office until the next regular election for mayor and commissioners, at which time, and regularly thereafter, the auditor of the city of Dallas shall be elected by the qualified voters of the city, to hold office for the term of two years and until his successor shall be chosen and qualify."

Sec. 10. That Article III of said special act be amended by striking out the second and third sentences of Section 2 thereof, and inserting in lieu thereof two new sentences which read as follows:

"Candidates for mayor and for places on said Board of Commissioners shall be voted for separately, and candidates for Commissioner shall be designated on the official ballot as candidates for 'Police and Fire Commissioner,' 'Commissioner of Streets and Public Property,' 'Waterworks and Sewerage Commissioner' and 'Commissioner of Finance and Revenue,' in accordance with the written requests which said candidate shall file with the city secretary.

Each candidate shall designate in the announcement of his candidacy, and in his request to have his name placed on the official ballot, the name of the place on the Board of Commissioners for which he desires to become a candidate, and such request to be placed on the official ballot shall be filed in writing with the city secretary at least ten days before such election shall be held."

Sec. 11. That Article III of said special Act be amended by striking out Section 8 thereof, and inserting in lieu thereof a new section numbered 8, which reads as follows:

"No. 8. The Police and Fire Commissioner shall have under his special charge the enforcement of all police regulations of said city, and general supervision over the fire department thereof. The Commissioner of Streets and Public Property, except as herein otherwise provided, shall have under his special charge the supervision of the streets, alleys, public grounds and other property of said city, and be charged with the duty of lighting the streets and keeping the streets, alleys, public grounds and property in a clean and sanitary condition and with the enforcement of all rules and regulations necessary to these ends, and shall also have under his special charge the supervision of all public improvements, except as herein otherwise provided, and shall see that all contracts therefor are faithfully complied with. The Water Works and Sewerage Commissioner shall have under his special charge the construction, maintenance, and operation of the waterworks, sewer system and departments of said city, and shall see to the enforcement of all regulations with respect to said department and with respect to the revenues pertaining thereto. The Commissioner of Finance and Revenue shall have under his special charge the enforcement of all laws for the assessment and collection of taxes of every kind and collection of all revenues belonging to said city from whatever source they may be derived, and he shall examine into and keep informed as to the finances of said city. Said commissioners shall perform all of the executive duties of their respective departments as above provided, but said board as a whole, shall have supervision over and be responsible for the administration of each of said departments.

The salary of each of said commissioners shall be \$3000.00 per year, payable in monthly installments."

Sec. 12. That Section 1, paragraph 5, of Article XII of said special Act, be amended by inserting after the word "week" and before the word "It," in said paragraph, the following:

"Provided that nothing herein shall prevent the city, through its Board of Commissioners, from prescribing earlier hours than 12 o'clock, midnight, for the closing of saloons, and later hours than 5 o'clock a. m. for opening same, but the power to prescribe earlier closing and later opening hours is hereby granted the said Board of Commissioners."

Sec. 13. That Article V, Section 1, of said special Act, be amended to read as follows:

Art. V, Sec. 1. The city public schools shall be under the management and control of a Board of Education, composed of a President and six members, who shall be elected on the first Tuesday of April, 1908, and at a regular election to be held biennially thereafter on the first Tuesday of April, and shall hold their offices for two years, and until their successors are elected and qualified. Any vacancy occurring in the Board of Education shall be filled by an election to be held by said Board, and the person elected shall hold office for the unexpired term. The members of said Board shall serve without compensation, shall have exclusive control of the public schools of the city of Dallas, and shall have full and ample authority, in accordance with the provisions hereof, to provide necessary school buildings and facilities, and to open and conduct a sufficient number of schools to meet the wants of the scholastic population of the city of Dallas, so far as they can do so by prudent and judicious application of the means made subject to their administration and management. Among the powers hereby conferred on said Board of Education, the following are for greater certainty enumerated: To contract for, lease and purchase lots, and to construct buildings for school purposes, and to make all needed repairs and alterations in same; to furnish said school buildings with all appropriate furniture, fixtures and apparatus; to sell or dispose of school property when the same is necessary or advisable; to lay off the city into

such school districts as, in the judgment of the said Board shall be proper; to increase or diminish said districts, and to change the boundaries thereof at pleasure; to employ superintendents, teachers and such other persons as may be necessary, and to fix their compensation and prescribe their duties, and to establish all such regulations and rules deemed necessary by the Board to provide and maintain an efficient system of public schools in the city of Dallas. The Board of Commissioners, when levying the annual tax for the fiscal year, shall levy an ad valorem tax of one-fourth of one per centum of the taxable value of the city of Dallas for that fiscal year, and said tax, when collected, shall be deposited with the city treasurer by the Board of Commissioners to the credit of the school fund, which said sum, together with all sums received from the State, county, and other school funds, shall be held by the city treasurer subject to the order and disbursement of the Board of Education, and shall be paid out upon warrants issued by order of said Board of Education, audited by the city auditor and signed by the president and Secretary of the Board of Education. An official statement or copy of all contracts, claims, accounts, pay rolls and demands of whatever nature whereby any money is to be disbursed or expended from the school funds and also complete annual reports showing the operations of the schools, shall be filed with the city auditor, who shall examine, adjust and audit all claims, accounts, pay rolls and demands before same shall be paid. The school board may enter into contracts by competitive bids with publishers and dealers in school supplies for furnishing to the patrons or pupils of the public schools of the city any and all books, stationery and school supplies required by the city schools at such prices as may be agreed upon by and between the board and such publishers or dealers, in no case to exceed the list price of the same articles in the book stores of the city, and when such contracts or agreements are made by the Board of Education, it shall be the duty of the Secretary of the Board of Education to keep constantly on hand, and to furnish to the patrons or pupils of the city schools, the various books, stationery and supplies thus agreed upon and at the prices agreed upon by the Board of

Education; provided, that no profit, compensation, or commission shall ever be allowed to, or collected by said Board, its secretary or any member thereof, upon the agreed contract price at which the publishers or dealers furnish the same to the Board of Education under any such agreement or contract; provided also that the Board of Education may enter into contracts by competitive bids with publishers and dealers in school supplies for the purchase by the Board of Education of books, text books, and supplies, or any part of said books, text books and supplies for the use of pupils in said schools up to and including the seventh grade in such schools, and that such books, text books and supplies so purchased by said Board shall be furnished to the pupils of such schools for their use free of charge; provided that the title to all such books, text books and supplies shall remain in the city of Dallas, and that such books, text books and supplies shall be furnished as aforesaid to the pupils of said schools upon such terms, conditions, penalties, and under such regulations as the said Board of Education shall make and provide; provided that this subdivision of this Act, shall be subject to the provisions of the uniform text book Act applying to the same subject matter."

Sec. 14. The fact that there exists an emergency for the improvements contemplated in the city of Dallas from the issuance of said bonds, and for the purchase and furnishing free to the pupils of the first seven grades of the Dallas public schools, the text books herein provided for, and that the further provisions of the bill are urgent, creates an emergency, and imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

MEACHUM, Chairman.

(Floor Report.)

Committee Room.

Austin, Texas, August 20, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 31, have

had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass, and be not printed, but be printed in the Journal of today.

Greer, Chairman; Paulus, Kauffman, Weinert, Johnson.

By Terrell of McLennan
and Meachum: S. B. No. 31.

A BILL
To Be Entitled

An Act creating a State Highway Department, and establishing a State Highway Commission, and the office of State Highway Engineer; prescribing the duties of each, and fixing the compensation of said State Highway Engineer; creating a fund by the license of automobiles; fixing a penalty for the failure to pay such license, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a State Highway Commission is hereby established, which shall consist of a professor of civil engineering in the Agricultural and Mechanical College, to be selected by the Board of Directors of said college, who shall be chairman of said commission; a professor of civil engineering in the University of Texas, to be selected by the Board of Regents of said University, the two said professors of civil engineering to be selected as soon after the passage and approval of this Act as may be practicable, and one civilian to be appointed by the Governor within sixty days after the passage of this Act, who shall hold office, unless removed for cause, for a period of two years from the taking effect of this Act. All vacancies in the membership of said Commission shall be filled in the same manner as is prescribed for the original appointments.

Sec. 2. The members of said State Highway Commission shall serve without pay, but each member thereof shall be allowed his actual and necessary traveling and other expenses incurred while performing his duties, under the provisions of this Act.

Sec. 3. As soon as practicable after the taking effect of this Act, the said State Highway Commission shall appoint a State Highway Engineer, who shall be a competent civil engineer,

and experienced and skilled in highway construction and maintenance, and who shall receive a salary not to exceed three thousand (\$3,000.00) dollars per annum, in the discretion of the Commission, and shall be allowed his actual traveling and other expenses incurred while away from home performing his duties, under the provisions of this Act. He shall hold office for a period of two years, unless removed for cause by said State Highway Commission.

Sec. 4. Said State Highway Engineer, before entering upon the duties of his office, shall file with the said Commission his oath of office, with sufficient bond to the State of Texas in such sum as in the judgment of the Commission may be necessary, conditioned upon the faithful performance of his duties, said bond to be approved by the said State Highway Commission and then filed with the Secretary of State.

Sec. 5. The State Highway Engineer may appoint in his discretion such assistant engineers, clerks and other assistants as may be necessary to the proper conduct of the work of said Commission, by and with the advice and consent of said Commission.

Sec. 6. The said State Highway Commission and State Highway Engineer shall constitute the State Highway Department, which shall be provided with suitable office rooms in the State building at the Capitol, which office shall be under the charge of the said State Highway Engineer, and shall be kept open at such times as the business of said department and the convenience or interest of the public shall require. Such office shall be conveniently and properly furnished, and shall be the repository for all the records of the said State Highway Department.

Sec. 7. It shall be the duty of the said State Highway Commission to hold meetings at such times and for such periods as they may deem essential to the proper carrying out of the provisions of this Act. It shall be the duty of the said State Highway Commission to consider at their meetings all questions relating to the general policy of the said State Highway Department, and the conduct of the work in general; to receive and consider at such times as they may select the annual report of the State Highway Engineer; and

to act for the said State Highway Department in all matters relating to recommendations, estimates and appropriations, and such other matters as it may be found advisable to submit to the Governor or to the State Legislature.

Sec. 8. The State Highway Engineer shall have charge of all records of the State Highway Department; shall keep a record of all proceedings and orders pertaining to the business of his office and of the department; and shall keep on file copies of all plans, specifications and estimates prepared by his office. He shall cause to be made and kept by the State Highway Department a general highway plan of the State; shall collect information and compile statistics relative to the mileage, character and condition of the highways in the different counties of the State; he shall investigate and determine the methods of road construction best adapted to the various sections of the State, and shall establish standards for the construction and maintenance of highways in the various counties, giving due regard to the topography, natural conditions, character and availability of road building material in such counties. He may at all reasonable times be consulted by county or city officials, having authority over highways, relative to any question involving highways, and he may in like manner call on such county or city officials for any information or assistance they may render in the performance of his duties with reference to the highways within their counties or cities, and it shall be the duty of said county or city officials to supply such information when called upon for same by the said State Highway Engineer. He shall approve the general plans and specifications of all road construction from the proceeds of the sale of bonds provided for in Chapter 7, Acts of the First Called Session of the Thirty-first Legislature, and the county commissioners courts of such counties are hereby forbidden to expend any part of said money for actual construction until said State Highway Engineer has given such approval. He shall report all the proceedings of his office to the State Highway Commission annually at such times as they may designate.

Sec. 9. The State Highway Engineer, with the approval of the State

Highway Commission, shall establish a laboratory for the testing of road and paving materials and shall receive and test all samples sent him by the county road officials, and he is authorized, with the approval of the Commission, to build such test or demonstration roads at the expense of the State highway fund, as may be deemed necessary to determine the actual value of various road materials in the State, and to further encourage road construction in the State.

Sec. 10. The said State Highway Engineer shall have authority to employ any and all labor necessary to carry out the provisions of this Act, and shall pay such labor the reasonable and customary price per day for the class of work performed.

Sec. 11. In order to provide funds for carrying out the provisions of this Act, a license fee of five dollars (\$5.00) is hereby levied upon each and every owner of automobiles in this State on each and every automobile owned by him, and each person, firm or corporation owning an automobile shall be required to pay an annual license fee of five dollars (\$5.00) on each and every automobile owned by him, such license fee shall be paid on October 1, 1911, and annually thereafter to the registration office of the city, county or other governmental organization from which said owner receives the registration number for his automobile, said money when thus collected shall be paid into the State Highway Commission, and shall constitute the State highway fund; provided, that the sum of fifty cents (50c) shall be retained by the collecting office out of each and every license issued. Said funds shall be paid out on vouchers properly executed by the State Highway Engineer, and approved by the chairman of the State Highway Commission; provided, that any unexpended balance of said fund remaining in the treasury on October 1 of each year shall revert to the general revenue of the State. The State Highway Engineer shall prescribe the forms of such license, and provide the same for each registration office above referred to.

Sec. 12. Any person, firm or corporation, failing or refusing to pay the license fee provided by this Act, shall be subject to a penalty of ten dollars (\$10.00) to be recovered on the suit of the county attorney of

the county of the residence of such offending person, firm or corporation, which sum shall be paid into the State highway fund, after deducting two dollars and fifty cents (\$2.50) as a fee for the service of such county attorney.

Sec. 13. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 14. The fact that the State now has no State Highway Commission as provided in this Act to co-operate with the various counties in Texas in the construction of public roads, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days in each House be suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 43, A bill to be entitled "An Act to amend Section 71f of the charter of the city of Galveston, authorizing the Board of Commissioners of the city of Galveston to issue bonds of said city of Galveston, to the amount of one hundred and twenty-five thousand dollars, payable not more than fifty years after date and bearing interest payable semi-annually at a rate of not to exceed five per cent per annum, said bonds not to be sold or otherwise disposed of at less than par, and their proceeds to be used and expended exclusively for raising and filling to grade the avenues, streets, sidewalks, alleys, lots and blocks in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Broadway and Avenue H, so as to provide for the application of any balance remaining from the proceeds of the sale of said bonds heretofore or hereafter made after the performance of said work, and to require the expenditure of such balance in filling and raising to grade the avenues, streets, sidewalks, alleys, lots and blocks in said city of Galveston, situated between Thirty-third street and Forty-fifth street and Avenue H and Postoffice street.

Have had the same under consideration and report same back to the Senate with the recommendation that it do pass and be not printed.

Hudspeth, Chairman; Hume, Kauffman, Terrell of McLennan, Meachum, Collins.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 25, A bill to be entitled "An Act to reorganize the Twenty-eighth Judicial District of the State of Texas, to fix the times for holding the terms of district court therein; to make all process heretofore issued as well as all bonds and recognizances heretofore entered into conform thereto; and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency,"

And find it correctly engrossed.

TERRELL of McLennan,
Acting Chairman.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, A bill to be entitled "An Act to regulate proceedings upon applications for writs of error from Courts of Civil Appeals to the Supreme Court,"

And find it correctly engrossed.

TERRELL of McLennan,
Acting Chairman.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stockraising, to whom was referred

Senate bill No. 19, A bill to be entitled "An Act to amend Article 5043c, Chapter VII, Title 102, and Article 824c, Chapter IV, Title 17, of the Penal Code of Texas, and to further empower the Livestock Sanitary Commission of the State of Texas to protect livestock against contagious, infectious or communicable diseases, and to provide penalties for violations of

the laws and of the rules and regulations of the Livestock Sanitary Commission prohibiting the movement of livestock and the prevention of the spread of contagious diseases, and for violation of the quarantine rules and regulations of the Livestock Sanitary Commission, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

ADAMS, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Representative Districts, to whom was referred

House bill No. 5, A bill to be entitled "An Act to apportion the State of Texas into representative districts and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

PEELER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Representative Districts, to whom was referred

House bill No. 5, A bill to be entitled "An Act to apportion the State of Texas into representative districts and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and we are instructed to report same back to the Senate with the recommendation that it do pass.

Johnson, Collins, Townsend.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

House bill No. 24, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal year ending August 31, 1911, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

House bill No. 7, A bill to be entitled "An Act to amend Section 3, of Chapter XCVIII, of the General Laws of the Regular Session of the Thirtieth Legislature entitled 'An Act to provide for a Board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such Board and certain duties of the tax assessors of the various counties in this State,' approved April 15, 1907, as amended by Chapter XIII, of the General Laws of the First Called Session of the Thirtieth Legislature, entitled 'An Act to amend an Act passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to provide for a Board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such Board and certain duties of the tax assessors of the various counties in this State,' providing that said Board shall also calculate the ad valorem rate of taxes for public free school purposes and also authorizing the commissioners court of the several counties in this State to calculate the rate and to adjust the taxes levied in the several counties or portions thereof, for general or special purposes to the taxable value as shown on the assessment rolls,' approved May 16, 1907, prescribing the duties of tax assessors and such Board, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of
the Senate.

Sir: A majority of your Committee on Congressional Districts, to whom was referred,

Senate bill No. 32, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, to provide for two additional districts to the number now provided for, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass, but that the attached substitute do pass in lieu thereof.

HUDSPETH, Chairman.

Committee Substitute
for S. B. No. 32. By Committee.A BILL
To Be Entitled

An Act to apportion the State of Texas into Congressional Districts; to provide for two additional districts to the number now provided for; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That until otherwise provided by law, the State of Texas shall be apportioned into the following Congressional districts, each of which shall be entitled to elect one member to the Congress of the United States. That two additional districts shall be created under this Act to be known as the Seventeenth and Eighteenth Congressional Districts of Texas, which said two additional districts shall be carved out of the several counties of this State without disarranging the present Congressional districts of this State any more than will necessarily result from the creation of the said two additional districts.

1. The following counties shall compose the First District to wit: Bowie, Cass, Morris, Titus, Franklin, Camp, Marion, Upshur, Wood, Rains, and Gregg.

2. The following counties shall compose the Second District, to wit: Red River, Lamar, Fannin, Hunt, Delta, and Hopkins.

3. The following counties shall compose the Third District, to wit: Harrison, Panola, Shelby, Rusk, Smith, Henderson, Van Zandt and Kaufman.

4. The following counties shall compose the Fourth District, to wit: Sabine, San Augustine, Nacogdoches, Cherokee, Houston, Trinity, Polk, Tyler, Angelina, Jasper, Newton, Hardin, Orange, and Jefferson.

5. The following counties shall compose the Fifth District, to wit: Galveston, Chambers, Liberty, Montgomery, San Jacinto, Walker, Grimes, Madison, Leon, Anderson, Freestone, and Navarro.

6. The following counties shall compose the Sixth District, to wit: Harris, Brazoria, Fort Bend, Waller, Austin, and Washington.

7. The following counties shall compose the Seventh District, to wit: Matagorda, Wharton, Colorado, Lavaca, Jackson, Calhoun, Victoria, DeWitt, Wilson, Karnes, Goliad, Refugio, and Aransas.

8. The following counties shall compose the Eighth District, to wit: Cameron, Hidalgo, Starr, Willacy, Brooks, Zapata, Webb, Duval, Nueces, Jim Wells, San Patricio, Bee, Live Oak, McMullen, LaSalle, Dimmit, Zavala, Uvalde, Frio and Atascosa.

9. The following counties shall compose the Ninth District, to wit: Bexar, Kendall, Kerr, Gillespie, Mason, McCulloch, Concho, Coleman, and Runnels.

10. The following counties shall compose the Tenth District, to wit: Gonzales, Fayette, Brazos, Burleson, Lee, Bastrop, Caldwell, Guadalupe, Comal, Hays, and Blanco.

11. The following counties shall compose the Eleventh District to wit: Travis, Williamson, Bell, Burnet, Llano, Lampasas, San Saba, Mills, and Brown.

12. The following counties shall compose the Twelfth District, to wit: McLennan, Bosque, Hamilton, Coryell, Falls, Milam and Robertson.

13. The following counties shall compose the Thirteenth District, to wit: Tarrant, Johnson, Hood, Somervell, Hill, and Limestone.

14. The following counties shall compose the Fourteenth District, to

wit: Collin, Dallas, Ellis, and Rock-wall.

15. The following counties shall compose the Fifteenth District, to wit: Grayson, Cooke, Denton, Wise, Montague, Jack, and Parker.

16. The following counties shall compose the Sixteenth District, to wit: Erath, Comanche, Eastland, Callahan, Taylor, Jones, Shackelford, Stevens, Palo Pinto, Young, Throckmorton, Haskell, and Stonewall.

17. The following counties shall compose the Seventeenth District, to wit: Nolan, Mitchell, Howard, Borden, Scurry, Fisher, Kent, Garza, Crosby, Dickens, King, Knox, Baylor, Archer, Clay, Wichita, Wilbarger, Foard, Hardeman, Cottle, Motley, Floyd, Childress, Hall, Briscoe, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Roberts, Hutchinson, Moore, Hartley, Dallam, Sherman, Hansford, Ochiltree, and Lipscomb.

18. The following counties shall compose the Eighteenth District, to wit: El Paso, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Pecos, Terrell, Val Verde, Kinney, Maverick, Medina, Bandera, Edwards, Kimble, Sutton, Crockett, Schleicher, Menard, Tom Green, Irion, Reagan, Upton, Crane, Ward, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Martin, Andrews, Gaines, Dawson, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Hale, Lamb, Bailey Parmer, Castro and Swisher.

Sec. 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Sec. 3. The fact that the present session of the Legislature is drawing to a close, and the great importance of the passage of this measure, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended.

(Minority Report.)

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Congressional Districts, to whom was referred,

Senate bill No. 32, A bill to be entitled "An Act to apportion the

State of Texas into Congressional Districts; to provide for two additional districts to the number now provided for, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do not pass.

Johnson, Terrell of Wise.

(Floor Report.)

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred,

House bill No. 37, A bill to be entitled "An Act to amend Chapter 74 of the Acts of the Regular Session of the Thirty-second Legislature, which is entitled 'An Act to amend Chapter 35 of the Acts of the Regular Session of the Thirty-first Legislature, which chapter is entitled 'An Act to fix the time for holding courts in the Forty-sixth Judicial District,' " so amending said chapter as to declare what counties shall compose the Forty-sixth Judicial District; to fix the time of holding court in the various counties in said district; to make the process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court as herein fixed, to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman, Murray, Weinert, Paulus, Kauffman, Watson, Meachum, Peeler.

(Floor Report.)

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred,

Senate bill No. 40, being a bill to amend the charter of the city of Longview, etc.,

Have had the same under consideration, and beg leave to report the same back to the Senate with the

recommendation that it do pass, and be not printed.

Meachum, Chairman; Terrell of McLennan, Kauffman, Peeler, Collins, Lattimore, Hudspeth.

(Floor Report.)

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred,

Senate bill No. 42, A bill to be entitled "An Act making it a misdemeanor to draw any check, draft or order upon any bank, when the maker thereof has no funds on deposit with which to redeem same, and providing a penalty,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it be passed, and be not printed.

WATSON, Chairman.

(Floor Report.)

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred,

Senate bill No. 33, A bill to be entitled "An Act to authorize and empower Wichita county or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereof, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Johnson, Kauffman, Paulus, Weinert.

(Floor Report.)

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred,

House bill No. 17, A bill to be entitled "An Act to create a State Normal School Board of Regents for the State Normal Schools for white teachers in the State of Texas; to provide for the appointment of said Board; to define its duties and powers, and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and beg to report same back to the Senate with the recommendation that it do pass.

Paulus, Acting Chairman; Sturgeon, Real, Weinert, Ward, Watson, Hume, Collins.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred,

House bill No. 31, A bill to be entitled, "An Act to amend the city charter of Dallas,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

McNEALUS, Chairman.

In House bill No. 31, amend the caption by inserting after the words "City of Dallas" and in front of the words "and declaring an emergency," the words "regulating the hours of opening and closing saloons."

Amend the bill by adding after Section 5 a new section to be numbered Section 6, to read as follows:

Section 6. That Section 1, paragraph 5, of Article 12 of said special Act, be amended by inserting after the word "week" and before the word "it," in said paragraph, the following: "Provided, that nothing herein shall prevent the city through its board of commissioners, from prescribing earlier hours than 12 o'clock midnight, for the closing of saloons, and later hours than 5 o'clock a. m. for opening same, but the power to prescribe earlier closing

and later opening hours is hereby granted the said board of commissioners."

Amend the bill by changing the number of Section 6 of the bill (the emergency clause) to Section 7.

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred,

Senate bill No. 41, A bill to be entitled "An Act to amend the city charter of Dallas,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 50, A bill to be entitled "An Act to amend 'An Act to grant a new charter to the city of Houston, Harris county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency,' passed by the Twentieth Legislature of the State of Texas on the 28th day of March, 1905, by adding thereto an article to be known as Article 4a, providing for the improvement of highways in the city of Houston by filling, grading, raising, paving or repaving the same with any permanent or durable materials, or by the construction, reconstruction or repair of curbs and gutters, and laying out, opening, widening, narrowing, straightening or otherwise establishing, defining or locating any such highways or sidewalks, and providing for the payment of the cost of making such improvements, and for the making thereof upon petitions of property owners, and for the assessment of part of the cost of such improvement upon owners of property abutting thereon and their property, and upon owners of street railways and steam railroads occupying such highways and their property, and providing for notice and hearing to owners of such abutting property concerning such assessments, and providing for the

enforcement and collection of such assessments, and providing that this amendment shall be referred to the qualified property taxpaying voters of the city of Houston for adoption before becoming effective, and declaring an emergency,

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations to whom was referred

Senate bill No. 44, A bill to be entitled "An Act to amend Article 548, Chapter 9, Title 18, of the Revised Statutes of the State of Texas, providing for the condemnation by incorporated cities and towns of private property for the purpose of widening streets, etc.,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

McNEALUS, Chairman.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, A bill to be entitled "An Act making appropriations to defray the contingent expenses of the First Called Session of the Thirtieth-second Legislature of the State of Texas, convened July 31, 1911, by proclamation of the Governor, and declaring an emergency,"

And find it correctly engrossed.

McNEALUS, Acting Chairman.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 48, A bill to be entitled "An Act to amend an Act entitled 'An Act to authorize and empower Lamar county or any polit-

ical subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision, and to levy and collect taxes to pay the interest on such bonds, and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes and prescribing ways and means of conducting and supervising said work; and to repeal Chapter 72 of the Special Laws of the Thirty-first Legislature creating a special road law for Lamar county, approved March 17, 1909, and declaring an emergency," passed at the Third Called Session of the Thirty-first Legislature and approved August 17, 1910, by adding thereto Sections 40, 41, 42 and 43, providing a method of making up the tax rolls of Lamar county, providing for the deposit and disbursement of the funds under said Act, providing regulations for traffic on said roads, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Johnson, Kauffman, Paulus.

(Floor Report.)

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 49, "An Act to increase the authority of the commissioners court of Tarrant county, Texas, and of the commissioners of said county; to require said commissioners to devote their entire time to affairs of said county; to provide for a road engineer of said county at the option of the commissioners court, and fixing his salary and defining his duties; to fix the salary for the members of said court, and declaring an emergency."

Beg leave to report that we have had said bill under consideration,

and recommend that it do pass, and be not printed.

Greer, Chairman; Johnson, Kauffman, Weinert, Paulus.

Committee Room,

Austin, Texas, Aug. 21, 1911.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 47, A bill to be entitled "An Act granting to the Cuero Light and Power Company, a corporation duly incorporated under the laws of the State of Texas, having its domicile in the city of Cuero, in DeWitt county, Texas, and having there established its principal office and place of business, power, privilege and authority to erect, build, construct, maintain and operate two dams across the Guadalupe river in DeWitt county, Texas, one at any point on said river above what is known as Heard's bridge, a public highway of DeWitt county, Texas, across said river, and between said Heard's bridge and what is known as the Clinton bridge across said river in DeWitt county, Texas, also being a public highway bridge, and the other dam to be erected at some point within one mile below or above what is known as the Hochheim bridge across said Guadalupe river in DeWitt county, Texas, the same being a public highway bridge across said river, and in connection with each of said dams to erect reservoirs, lakes, locks, abutments, buildings and machinery; and to grant to said Cuero Light and Power Company the privilege and right to use all of the land and water and riparian rights, and all the rights of every character of the State of Texas in, to and adjacent to said Guadalupe river between the points above mentioned, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting to and conferring upon said corporation the power, authority and privilege to dam and overflow the water of said Guadalupe river and its tributaries at the points above mentioned and up said stream from said points of said dams as far as the back water or reservoirs of said dams would extend; and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river from

said dams across said Guadalupe river as far back as any back water or reservoir will extend; and to back the water in said Guadalupe river and its tributaries up the said river above mentioned to any height, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

MURRAY, Chairman.

PETITIONS AND MEMORIALS.

By Senator Adams:

The following letter, numerously signed by the citizens of Mills county:

Goldthwaite, Texas, Aug. 18, 1911.
Hon. W. N. Adams, Austin, Texas.

Dear Sir: It appears that Mills county is about to be placed in a Senatorial District with a number of counties to the west and southwest.

We would prefer to be in the Eighteenth, with Bell, Lampasas, etc., as we have more in common with those counties, or in the district north of us—Brown, Comanche, etc.

We note, however, that the population of Districts Nos. 18, 26 and 27 is quite equally balanced, and it may be difficult to change our county without shifting some other county.

We will suggest that Mills and Burnet are of about equal population, and that Burnet could be taken from the Eighteenth and placed in the Twenty-sixth, and Mills from the Twenty-sixth and placed with the Eighteenth. This would leave the districts all right as to population and in compact shape.

Burnet county is now with Llano, Mason, San Saba, Menard and Gillespie counties in judicial district, and it would probably suit them better to be associated with them in the Senatorial district.

We will thank you to give the matter careful consideration and to secure the change for us, if you can do so without conflicting too much with the wishes of others.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, Aug. 22, 1911.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

Roll call, quorum being present, the following Senators answering to their names:

Adams.	McNealus.
Astin.	Meachum.
Bryan.	Murray.
Carter.	Paulus.
Cofer.	Peeler.
Collins.	Real.
Greer.	Sturgeon.
Hudspeth.	Terrell, McLennan.
Hume.	Townsend.
Johnson.	Ward.
Kauffman.	Warren.
Lattimore.	Watson.
Mayfield.	Weinert.

Absent.

Ratliff. Terrell, Wise.

Absent—Excused.

Perkins. Willacy.
Vaughan.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer the same was dispensed with.

See Appendix for standing committee reports.

EXCUSED.

On account of important business: Senator Astin for non-attendance for Friday, Saturday and Monday, on motion of Senator Terrell of McLennan.

BILLS AND RESOLUTIONS.

By Senator Hudspeth:

Senate bill No. 54, A bill to be entitled "An Act to amend Section 18 of the Special Act of the Thirty-first Legislature of the State of Texas, approved February 1, 1909, creating the Mertzon Independent School District in Irion county, Texas," etc.

Read first time and referred to Committee on Educational Affairs.